

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
OCTOBER 12, 1992
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Phillip Arbour Council: J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
Village Manager: M. McCue

PUBLIC HEARING:

1. Amendment to P.I.L.O.T. Ordinance

APPROVAL OF THE MINUTES:

1. September 28, 1992 Regular Village Council Meeting Minutes

PRE-ARRANGED CITIZEN PARTICIPATION:

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

1. Letter from Congressman Carl Pursell
2. Letter and Resolution from the City of Ann Arbor
3. Letter for Mr. Tim Kleyer
4. Letter of resignation from P. Commission - P. Arbour
5. Letter from Trustee Adams

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

Village Manager
Water Department
Sewer Department

CONSENT AGENDA:

1. Designation of Signers for First of America Accounts
 - a. Pooled Checking
 - b. Water Receiving
 - c. Payroll Checking
 - d. Local Streets
 - e. Sewer Receiving
 - f. Major Streets
 - g. Payroll Savings
 - h. Pooled Savings

- i. Parks and Recreation Endowment Trust
- j. MIF Account
2. Designation of Signers for Society Bank Accounts
 - a. Construction and Engineering Fund
 - b. Construction and Engineering Checking
 - c. Water and Sewer Replacement Fund
 - d. Bond Fund Checking
3. Designation of Signers for Great Lakes Bancorp Accounts
 - a. Economic Development Trust
 - b. Parking Meter Account
4. Approval of Trick or Treating Hours in the Village of Dexter
5. Receive and File DDA Minutes of September 10, 1992
6. Receive and File Planning Commission Memo of October 6, 1992

OLD BUSINESS:

1. Approval of Downtown Parking Plan
2. INTRODUCTION of Village Personnel Manual Ordinance and Set Public Hearing for 8 p.m. November 9, 1992
3. Approval of Amendment to P.I.L.O.T. Ordinance
4. Approval of DAPCO Landscaping Plan
5. *Discussion of dates with regard to contract in Monument Park*

NEW BUSINESS:

1. Approval of Amendment to Site Plan at 8029 Huron
2. Evaluation of Picnic Tables in Monument Park
3. Presentation by Jeannette Luton of the Huron River Watershed Council
4. Award of Bid for Contracted Sidewalk Replacement
5. Award of Bid for Utilities Department Pickup Truck
6. Set Executive Session to Discuss Real Estate Acquisition and Union Negotiations

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEMS WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
REGULAR MEETING
OCTOBER 12, 1992

The meeting was called to order by President Arbour at 8:00 P.M. at First of America Bank Building, 8123 Main Street.

Present: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour
Also Present Mgr. Mc Cue

(Trustee Adams entered the meeting at 10:11 P.M.)

Absent: None

Public Hearing

1. Amendment to P.I.L.O.T. Ordinance

Sid Smith, owner of Walkabout Creek explained the request for amendment. There were no citizens who wished to speak. The hearing closed at 8:17 P.M.

Approval of Minutes

Moved Rush, support Cousins to approve the minutes of the September 28, 1992 regular meeting as presented.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Pre-Arranged Citizen Participation

None

Approval of Agenda

Added under communication were Item 4 - Arbour letter of resignation from Planning Commission and Item 5 - Letter from trustee Adams

Moved Gordenier, support Cousins to approve the agenda as presented.

Moved Rush, support Gordenier to add Old Business Item 5 - Discussion of dates with regard to contract for Monument Park

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Vote on original motion by Rush and Cousins -

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Non-Arranged Citizen Participation

W. Steptoe, 7350 Dan Hoey Road addressed Council stating the reasons why he was not in favor of passage of the landscape plan submitted by Dapco and stated he believes they should submit a new plan.

Approval of Bills and Payroll

Moved Gregory, support Pearson to approve bills and payroll costs in the amount of \$75,164.17.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Reports

Village Manager - Council received written report. (Copy filed D.F. with minutes.

Water Department - Council received written report

Sewer Department - Council received written report

10-26-92
Designation of Signers
for First of America
Accounts,

Consent Agenda

Moved Cousins, support Gordenier to approve items 1 through 6 listed on the consent agenda. (Copy of agenda filed with minutes)

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Designation of
Signers for Society
Bank Accounts,

Designation
of signers for
Great Lakes Accounts

Approval of Truckor
Truck Hours,

Old Business

1. Approval of Downtown Parking Plan

Moved Cousin, support Pearson that we direct the Village Manager to have the parking meters removed as soon as proper signage is available to designate those areas short term parking with a two hour limit.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Receive DDA
minutes,

Receive
Planning Comm
Memo

Moved Cousins, support Pearson to refer the proposed Downtown Parking Plan to the Village Manager for further clarification and resubmittal to Council.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

2. Introduction of Village Personnel Manual Ordinance and Set Public Hearing

Moved Rush, support Gordenier to set a public hearing for 8:00 P.M., November 9, 1992, at First of America Bank Building for the purpose of taking public comment on the proposed Village Personnel Manual Ordinance.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

3. Approval of Amendment to P.I.L.O.T. Ordinance

Moved Gordenier, support to approve the P.I.L.O.T. Ordinance Amendment for Walkabout Creek raising median income from 50% to 60%.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

4. Dapco Landscaping Plan

Moved Rush, support Gordenier the we return the landscaping plan submitted by Dapco with suggested changes 1) staggering of trees near shipping/receiving area, 2) elimination of flowering crab trees along Dan Hoey Road with replacement with Blue Spruce trees, noted on the plan, and stating that we consider this an incomplete plan and that we wish to see a total landscaping plan for the Dapco property for approval.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Trustee Adams entered the meeting at this point.

5. Discussion of Dates for Contract For Monument Park

Moved Rush, support Gordenier to rescind the motion of September 28, 1992, to open bids for Monument Park March 31, 1993.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour

Nays: None

Motion Carried

Moved Rush, support Gordenier to let bids for contract work in Monument Park by November 30, 1992, and set opening for January 31, 1993.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour, Adams

Nays: None

Motion Carried

New Business

1. Approval of Amendment to Site Plan at 8029 Huron

Moved Cousin, support Adams to hold the building of carports at 8029 Huron, Coy property, in abeyance until October 12, 1993, with the request so noted on a "new" and "sealed" plan duplicated from the site plan approved by the Village Council on March 25, 1992.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour, Adams

Nays: None

Motion Carried

2. Evaluation of Picnic Tables in Monument Park

Moved Cousins, support Adams that the three picnic tables in Monument Park be placed in storage from November 1, 1992 to April 1, 1993.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour, Adams

Nays: None

Motion Carried

3. Presentation by J. Luton of the Huron River Watershed Council

Moved Rush, support Gordenier that the Village of Dexter endorse the Huron River Watershed Council "River Appreciation Day"

with a Presidential proclamation.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour, Adams

Nays: None

Motion Carried

4. Award of Bid for Contracted Sidewalk Work

Moved Gordenier, support Adams to award the bid for contracted sidewalk replacement to Gary Koch in the amount of \$3.23 per square foot for 2220 square feet and \$3.15 per each additional square foot with these funds to be derived from Major Streets Fund Account #202-474-825.000

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour, Adams

Nays: None

Motion Carried

5. Award Bid for Utilities Department Pickup Truck

Moved Adams, support Gregory to award the bid for the utilities department pickup truck to Frank Grohs for \$13,517.13.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour, Adams

Nays: None

Motion Carried

6. Set Executive Session to discuss Real Estate Acquisition and Union Negotiations

Moved Gordenier, support Cousins to set an executive session following the Non-Arranged Citizen Participation at the end of the agenda for the purpose of discussing real estate acquisition and union negotiations.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour, Adams

Nays: None

Motion Carried

President's Report

None

Non-Arranged Citizen Participation

W. Steptoe, 7250 Dan Hoey Road, addressed Council informing members that there is an AATA bus stop in front of Grohs Chevrolet on Ann Arbor Road and requesting Council require a time limit on the completion of the Dapco landscaping project.

Council moved into executive session at this point.

Council moved into regular session at this point.

Adjournment

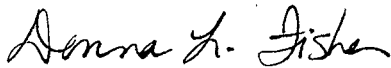
Moved Gordenier, support Gregory to adjourn the meeting at
11:35 P.M.

Ayes: Rush, Gordenier, Pearson, Gregory, Cousins, Arbour,
Adams

Nays: None

Motion Carried

Respectfully submitted,



Donna L. Fisher
Village Clerk

Filing Approved 10-26-92

Oct 9, 1992

Dexter Village Council,

Effective with my Appointment as DEXTER
Village President, I ~~am~~ resigning my position
on The DEXTER Planning Commission. I wish
~~my~~ the remaining Commissioners the best in dealing
with the tasks at hand. I am sure they will all
do well.

Phil Auburn

To: Dexter Village Council Members
From: James Adams, Trustee
Date: October 12, 1992

This is to address a conflict that has come up in my schedule, hopefully before it becomes viewed as a problem. As many of you know, I am a member of the Dexter Area Fire Department. In order to become a State Certified Fire Fighter (and do it all legally) I must complete several training courses. The first, Firefighter I, started last week and runs through January 1993. Unfortunately, classes meet on Monday and Thursday evenings. The conflict is obvious, however if I miss this class the next is not scheduled until the same time next year...same problem and I am pushed back a full year.

I am in the process of working with the instructor so that on council days I:

- A. Miss class and make it up.
- B. Leave class early (normally it goes from 7-10pm.) arrive council late.
- C. Miss council on several occasions.

I appreciate your understanding and cooperation regarding my scheduling conflict. Both the Village Council and Firefighting are very important to me and I will make every effort to not let either suffer because of the other. Any help you can give in catching/keeping me up to speed on the information that I do miss would also be appreciated.

Should you have any problem with this, please feel free to beat me up after a meeting.

Sincerely,


Jim Adams

Approved

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS
OCTOBER 12, 1992

BILLS DUE (PAGE 1 & 2)	\$ 37,129.16
PAYROLL COSTS (PAGE 3)	22,460.16
HAND CHECKS (PAGE 2)	212.36
CONSTRUCTION & ENG. FUND (PAGE 2)	<u>15,362.49</u>
TOTAL BILLS AND PAYROLL COSTS EXPENDED ALL FUNDS	<u>\$ 75,164.17</u>

PAYEE-EXPLANATION	CODE	TOTAL	GENERAL	MAJOR ST	LOCAL ST.	SEWER	WATER
ARBOR SPRINGS	VARIOUS	33.60	14.25			19.35	
AT&T CSC	VARIOUS	26.56	6.56			20.00	
AT&T CREDIT CORP	VARIOUS	100.18	59.09			41.09	
CARPENTER HDWR & LUMBER	VARIOUS	102.62	38.00	64.62			
CHELSEA LUMBER CO.	474-974	98.40		98.40			
CROWNOVER CONCRETE	VARIOUS	3,740.13		1,825.63	1,914.50		
DES MOINES STAMP MFG.	172-727	48.90	48.90				
DETROIT EDISON							
3620-3676CENT/WA TOW	556-920	1,327.85					1,327.85
8360HURON/CW LIFT STA	548-920	4,340.62				4,340.62	
8014;7982;8140;8050MAIN-VARIOUS		425.51	425.51				
DETROIT BALL BEARING CO.	548-937	209.86				209.86	
DEXTER LEADER	VARIOUS	1,043.98	1,043.98				
DEXTER OFFICE SUPPLY	VARIOUS	37.18	32.71			4.47	
DEXTER, VILLAGE OF	VARIOUS	39.25	30.89			8.36	
DYKEMA/GOSSETT	101-803	1,500.00	1,500.00				
ETNA SUPPLY	556-977	418.82					418.82
FARM PLAN/GROSS EQUIP	VARIOUS	172.00	10.00			162.00	
GRAINGER	548-977	188.08				188.08	
HACH COMPANY	548-743	155.35				155.35	
HACKNEY ACE HARDWARE	VARIOUS	608.31	213.32	58.88	107.58	180.59	47.94
HURON CAMERA SERVICE	400-727	44.40	44.40				
JOHN'S SANITATION INC.	751-941	130.00	130.00				
JONES CHEMICALS	548-742	215.00				215.00	
LAVONNE'S CLEANING	265-935	140.00	140.00				
LEN'S RUBBISH/9-92CONT	528-816	10,678.67	10,678.67				
" " /RECYCLE	528-816020	1,388.36	1,388.36				
LONG, CLARK & BAKER	101-803	2,563.00	2,563.00				
MCCUE/REIMB MILEAGE	172-861	61.88	61.88				
MCKENNA ASSOC.	400-825	1,679.52	1,679.52				
MARATHON OIL CO.	VARIOUS	900.55	900.55				
MICHcon/8140&8050 MAIN	VARIOUS	53.12	53.12				
" " /8360 HURON	548-920	159.11				159.11	
MI DEPT OF CORRECTIONS	VARIOUS	620.00	60.00	240.00	320.00		
MI MUN LEAGUE/HANDBOOKS	548-965	24.50				24.50	
MI MUN LEAGUE/3 SEMINAR	VARIOUS	270.00	180.00			90.00	
MI MUN LEAGUE/1 SEMINAR	400-965	90.00	90.00				
PARTS PEDDLER	VARIOUS	430.82	233.54			172.82	24.46
PITNEY BOWES	172-941	53.25	53.25				

RAM COMM OF MI	441-853	37.00	37.00				
ROTO-ROOTER	548-937	560.00				560.00	
R.P.M. EXCAVATING	474-974	157.50		157.50			
SALINE SUPER SOIL	474-973	319.95			319.95		
SCHWARZ FOUNDRY CO.	548-937	186.48				186.48	
SCIO ELECTRIC	265-935	541.25	541.25				
STACEY, ROBERT	463-825	700.00			700.00		
TAYLOR RECYCLING, INC	528-816020	23.20	23.20				
THOMPSON-McCULLY	548-74001	125.46					125.46
TIDY TOM'S INC.	548-740	82.26				82.26	
UMSTEAD MANUFACTURING	VARIOUS	150.00	90.00			30.00	30.00
WEARGUARD	548-74501	126.68				126.68	
TOTALS		37,129.16	22,370.95	2,445.03	3,362.03	6,976.62	1,974.53

HAND CHECKS ISSUED:

PAYEE-EXPLANATION	CODE	AMOUNT
U.S. POSTAL SERVICES	590-548-727	\$ 99.39
OFFICE MAX, INC.	101-172-727	112.97
	TOTAL	\$ 212.36

CONSTRUCTION AND ENGINEERING BILLS:

PAYEE-EXPLANATION	CODE	AMOUNT
AMERICAN CONTRACTING & MANAGEMENT CORP	202-451-814.010	\$15,362.49

PAYEE-EXPLANATION	TOTAL	101 GENERAL	206 FIRE	202 MAJOR ST.	203 LOCAL ST.	590 SEWER	591 WATER
<u>PAYROLL COSTS - SEPTEMBER 29, 1992</u>							
FERN JACKSON	625.09						
JANET C. KARVEL	606.20						
MICHAEL J. MCCUE	975.14						
LARRY N. WAGNER	751.56						
MARY ANN LAMKIN	213.54						
KURT J. AUGUSTINE	360.87						
KEITH L. KITCHEN	613.12						
PATRICK A. MCKILLEN	718.10						
BRUCE T. WHITLEY	491.87						
THOMAS C. DESMET	763.39						
ANDREA M. DORNEY	629.62						
EDWARD A. LOBDELL	815.23						
DANIEL L. SCHLAFF	485.50						
LARRY C. SEBRING	541.92						
TOTAL	8,591.15						
<u>PAYROLL COSTS - OCTOBER 3, 1992</u>							
FERN JACKSON	562.80						
JANET C. KARVEL	748.24						
MICHAEL J. MCCUE	971.14						
LARRY N. WAGNER	751.56						
MARY ANN LAMKIN	305.28						
KURT J. AUGUSTINE	388.57						
KEITH L. KITCHEN	613.12						
PATRICK A. MCKILLEN	797.90						
BRUCE T. WHITLEY	491.86						
THOMAS C. DESMET	954.24						
ANDREA M. DORNEY	594.60						
EDWARD A. LOBDELL	736.72						
DANIEL L. SCHLAFF	475.96						
LARRY C. SEBRING	609.66						
JAMES M. PALENICK	2,267.36						
HANNAH H. LIDDIARD	2,600.00						
TOTALS	13,869.01						

TOTAL PAYROLL COSTS \$22,460.16

M E M O R A N D U M

TO: Village President and Village Council
FROM: Michael J. McCue, Village Manager
RE: Manager's Report
DATE: October 9, 1992

V-Tech Taxes

V-Tech sent two checks for their 1991 personal property taxes several weeks ago. They bounced earlier this week. Consequently, I immediately called them and demanded that these funds be wired immediately to the Village's account or their property would be seized. Funds were wired this week. Now that the 1992 tax deadline has passed, they are again in arrears for their taxes. In addition, V-Tech is obligated to pay legal fees for collection of back taxes and other outstanding debts. Prepared below is what is owed by V-Tech. Please note that the Village has very, very limited authority to collect real property taxes. This authority is passed on to the County and finally to the State. The Village only has real authority to collect personal property taxes. V-Tech is planning to meet with me next week to develop a payment schedule for their remaining debts.

<u>TAX TYPE</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>PARCEL</u>
Real Property	1991	\$ 7,225.00	82-08-99-000-300
Real Property	1991	\$ 2,528.75	82-08-07-120-004
Real Property	1991	\$ 2,098.14	82-08-07-120-011
Real Property	1992	\$ 2,528.14	82-08-07-120-004
Real Property	1992	\$ 2,098.14	82-08-07-120-011
Real Property	1992	\$ 7,225.00	82-08-99-000-300
Personal Property	1992	\$ 2,890.00	82-99-20-022-600
Personal Property	1992	\$ 3,034.50	82-99-99-000-400
Legal Fees		\$ 2,585.00	

TOTAL DUE TO DEXTER VILLAGE \$32,213.28

AMOUNT COLLECTIBLE BY VILLAGE \$ 8,509.50

A jeopardy assessment has been placed on their 1992 personal property tax liabilities. This means that the Village can legally seize property at any time to satisfy the debt. However, seizure and sale can create greater problems than solves.

Cottage Inn Update

I spoke recently with representatives of Cottage Inn Pizza. I informed them of the possibility of water problems in their parking lot due to the construction of the curb. They indicated that they were aware of the problem but were not in a position to repair it. However, they did not that they hope to construct the curb/wall during the week of October 12, 1992.

Carpenter Lumber Lease Money

As you may remember, Mr. Carpenter leased the new DPW site from the Village after the sale to us. As part of the lease agreement, he agreed to pay the 1992 tax assessments for all taxing entities. As of this writing, Mr. Carpenter has not paid either the Village of Dexter or Scio Township taxes. In addition, he was required to pay the legal fees associated with the lease. No one has received these payments yet. I have written a letter to Mr. Carpenter informing him of this situation. He indicated to me, verbally, that he has no problem paying them and hopes to have the bills paid before the end of the month.

Bungee Jumping Ordinance Update

The Michigan Municipal League does not have any ordinances on file which address this activity. I have made some phone calls to other municipalities and have come up with no other ordinance. At this point, I can continue to look for model ordinances, or you may direct the Manager to have an ordinance drawn up for your approval.

Council Chambers P.A. System

A new public address system for the Council Chambers should be purchased and in place by the end of the month. Mr. Adams has graciously donated his expertise in sound systems to help develop a quality sound system.

Burton Hoey Property/Sewer Problem

The Utilities Department inadvertently placed a sewer line through property managed by Burton Hoey when they installed service to Carpenter Lumber. The property on Huron Street is approximately 10 feet wide where the sewer line runs. Since the property is too narrow to be built upon, it has no worth. I have made an offer for an easement agreement with Mr. Hoey for \$1. He did not accept the offer and made no counter offer. Should he continue to refuse to bargain, I will initiate condemnation procedures. I am confident that any court settlement (should it reach that point) would be very favorable to the Village.

Auditor's Recommendations Update

A chart of accounts is in place. In addition, a new payroll form has been completed and should be in place by the end of the month. I am working on other items including: division of duties for financial and cash matters, and utility billing dispute resolution.

Fall Leaf Vacuuming Schedule

As per past practice, the Village will have an annual leaf vacuuming program for village residents. This year, the Village is renting equipment from the Village of Chelsea. This year's program will be the week of October 26 and the week of November 16. Two notices will be placed in the Dexter Leader informing residents of the upcoming service.

Sidewalk Replacement Schedule 1992

Provided below is the FY 1991-92 budgeted sidewalk replacement schedule, the amount completed, the amount to be completed, and changes.

MAJOR STREETS

<u>LOCATION</u>	<u>FEET BUDGETED</u>	<u>FEET COMPLETED</u>	<u>FT TO BE COMPLETED</u>
Baker Rd, Ann Arbor to Grand	1165	150	750
4th, Hudson to Edison	502	508	0
4th, Edison to Dover	420	0	0
4th, Dover to Central	0	200	0
Broad, 3rd to 4th	125	0	0
Central, 5th to 4th	0	230	275
Central, 4th to 3rd	0	50	0
Broad, 5th to 4th	0	10	0
TOTAL MAJOR STREETS	2212	1148	1025

LOCAL STREETS

5th, Alpine to Broad	433	435	0
5th, Broad to Central	433	227	0
5th, Central to Dover	479	435	0
Dover, 5th to Ann Arbor	179	160	0
4th, Broad to Central	0	15	180
TOTAL LOCAL STREETS	1524	1272	180

<u>GRAND TOTAL</u>	<u>3736</u>	<u>2470</u>	<u>1205</u>
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Please note that the replacement schedule is done several months in advance and changes may result due to affect of weather, injury liability, and complaints.

Rusnell Injury Case

You will be pleased to know that the Rusnell case was settled out of court, via the insurance company's attorney for \$10,000. The plaintiff has agreed to drop all this lawsuit and release the Village from any future claims. This is a major victory for the Village.

Dexter Cider Mill Complaints

The Village offices have received a number of complaints regarding the Dexter Cider Mill. These range from people parking on private property, having Cider Mill customers use other businesses' restrooms and other similar problems. Staff has written a very nice letter informing them of these complaints so that they may be able to maintain their high quality reputation for all.

Employee Holiday Party

The staff has indicated to me their desire for an employee holiday party. I believe that such a recognition which is very common in the private sector and the public sector, would be a boost for morale. Since the Council has not given its approval, no decisions have been made but some ideas have come up. These ideas range from

a potluck luncheon to a using the Historical Museum and having some simple foods brought in. Please let me know your feelings, ideas, comments or concerns on this subject.

Smith Woods Park Grant Status

I called the Michigan Department of Natural Resources to check on the status of the grant application for Smith Woods Park. I was informed that the decision-making bodies will reach a conclusion in December. I will keep the Council informed of any new developments on the status of the grant.

Parting Thought

"Don't be afraid to take a big step if one is indicated. You can't cross a chasm in two small jumps."

-- David Lloyd George, Former English Prime Minister

MEMORANDUM

TO MEMBERS OF COUNCIL
FROM DONNA FISHER, SEC TO PLANNING COMMISSION
DATE OCTOBER 6, 1992

THE FOLLOWING ACTION TOOK PLACE AT THE OCTOBER 5, 1992 REGULAR MEETING OF THE PLANNING COMMISSION -

RECOMMENDATION TO ZONING BOARD OF APPEALS

MOVED HANSEN, SUPPORT FISHER THAT THE PLANNING COMMISSION RECOMMEND TO THE ZONING BOARD OF APPEALS THE APPROVAL OF THE VANDERGRIFT APPLICATION FOR VARIANCE TO WAIVE SECTION 4.04 (C) (2) (a) - REGULATIONS AND STANDARDS FOR FRONT YARD SETBACK IN R-1-C (SINGLE FAMILY RESIDENTIAL; HIGH DENSITY) FOR THE PURPOSE OF CONSTRUCTING A DETACHED ACCESSORY BUILDING AT 8020 HURON STREET ACCORDING TO WAIVER STANDARDS a, b, c, AND d LISTED IN THE STAFF REPORT.

AYES: GUCKER, FISHER, HANSEN, LEADHOLM, FISHER-DWOREK, GILLETT, BISHOP

NAYS: NONE

MOTION CARRIED

REZONING FOR GOCHANOUR PROPERTY

MOVED FISHER-DWOREK, SUPPORT LEADHOLM TO SET A PUBLIC HEARING FOR NOVEMBER 12, 1992, 7:30 P.M., FIRST OF AMERICA BANK BUILDING, FOR THE PURPOSE OF TAKING PUBLIC COMMENT ON THE SUBJECT OF ADMINISTRATIVE REZONING OF THE GOCHANOUR PROPERTY ON BAKER ROAD FROM PB TO R-1-C FOR THE PURPOSE OF CORRECTING THE ZONING MAP.

AYES: GUCKER, FISHER, HANSEN, LEADHOLM, FISHER-DWOREK, GILLETT, BISHOP

NAYS: NONE

MOTION CARRIED

VILLAGE OF DEXTER ORDINANCE NO. 91-2608001

TAX EXEMPTION ORDINANCE

ADOPTED: August 26, 1991, 1991
EFFECTIVE: September 24, 1991, 1991

An Ordinance to provide for a service charge in lieu of taxes for proposed multiple family dwelling project for persons of low income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966.

THE VILLAGE OF DEXTER

ORDAINS:

SECTION 1.

This Ordinance shall be known and cited as the "Village of Dexter Tax Exemption Ordinance."

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Action 125.1401 et. seq., MSA Section 116.114(1) et. seq.). The Village of Dexter is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low income is a public necessity, and as the Village of Dexter will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Village of Dexter acknowledges that Walkabout Creek II Limited Dividend Housing Association Limited Partnership (the "Sponsors") have offered subject to receipt of a Mortgage Loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Walkabout

Creek II, a 72-unit apartment development to be constructed in the Village of Dexter and that the Sponsors have offered to pay the Village on account of this housing development an annual service charge for public services in lieu of property taxes for those units (30%) whose occupancy is restricted to individuals or families whose income is at or below 50% of median income as defined by the U. S. Department of Housing and Urban Development.

SECTION 3. Definitions.

- A. Authority means the Michigan State Housing Development Authority.
- B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.
- C. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- D. Contract Rents are as defined by the U. S. Department of Housing and Urban Development in regulations promulgated pursuant to the U. S. Housing Act of 1937, as amended.
- E. Housing Development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low income.
- F. Class of Housing means a project which is constructed for families of low and moderate income in which a percentage of such units are restricted to families whose income is at or below 50% of median income as defined by the U. S. Department of Housing and Urban Development in regulations promulgated pursuant to U. S. Housing Act of 1937, as amended.
- G. Mortgage Loan means a loan to be made by the Authority to the Sponsor for the construction and/or permanent financing of the Housing Development.
- H. Utilities mean fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.
- I. Sponsors means person(s) or entities which have applied to the Authority for a Mortgage Loan to finance a Housing Development.

SECTION 4. Class of Housing Developments.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be for families of low and moderate income, which are financed or assisted pursuant to the Act. It is further determined that Walkabout Creek II is of this class.

Be it further resolved that, pursuant to Ordinance No. 91-2608001 of the Village of Dexter, those units (30%) whose occupancy is restricted to individuals or families whose income is at or below 50% of median income as defined by the U. S. Department of Housing and Urban Development in regulations promulgated pursuant to U. S. Housing Act of 1937, as amended, shall pay in lieu of taxes a service charge equal to ten percent (10%) of Annual Shelter Rental receipts (not to include utilities) as provided by the State Housing Development Authority Act. Occupancy of the remaining units (70%) by other than individuals or families whose income is at or below 50% of median income as defined by the U. S. Department of Housing and Urban Development shall not be tax exempt and shall be liable for the full amount of taxes attributable to those units.

Be it further resolved that the 10% service charge to be paid in lieu of taxes on those units whose occupancy is restricted to individuals and/or families whose income is at or below 50% of median income, may be amended in the event that the Village of Dexter or the Dexter Public Schools pass additional bond request, in which case the 10% service charge shall be increased by an additional one-tenth (1/10th) of 1% for each additional mill increase.

SECTION 5. Establishment of Annual Service Charge.

The Housing Development identified as Walkabout Creek Phase II and the property on which it shall be constructed shall be exempt from certain property taxes from and after the commencement of construction. The Village acknowledging that the Sponsors and the Authority have established the economic feasibility for the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from certain property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a Mortgage Loan from the Authority, to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of certain property taxes. The annual service charge shall be equal to 10% of the Annual Shelter Rents actually collected minus Utilities for those units whose occupancy is restricted to individuals or families whose income is at or below 50% of the median income as determined by the U. S. Department of Housing and Urban Development.

SECTION 6. Contract Effect of Ordinance.

Notwithstanding the provisions of Section 15(a)(5) of the Act, to the contrary, a contract between the Village and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

SECTION 7. Payment of Service Charge.

The service charge in lieu of taxes as determined under the Ordinance shall be payable as general property taxes are payable to the Village except that the annual payment shall be paid on or before May 1 of each year.

SECTION 8. Duration.

This Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the property.

SECTION 9. Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 10. Effective Date.

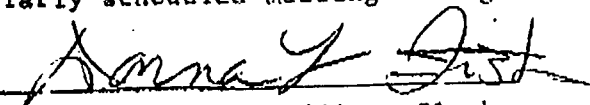
This Ordinance shall become effective on September 24th, 1991, or as otherwise provided in the Charter. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.


Dexter Village Clerk
Donna L. Fisher

D\DEX.08.12 912

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I certify that the foregoing Ordinance (Village Of Dexter Ord. # 91-2608001), is a complete and accurate copy of the Tax Exemption Ordinance Approved By The Dexter Village Council At its regularly scheduled meeting of August 26, 1991.

Attest: 
Donna L. Fisher, Village Clerk

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
OCTOBER 26, 1992
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Philip Arbour Council: J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
Village Manager: M. McCue

PUBLIC HEARING:

None.

APPROVAL OF THE MINUTES:

1. October 12, 1992 Regular Village Council Meeting

PRE-ARRANGED CITIZEN PARTICIPATION:

None.

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

1. Letter from Mr. Tim Klever

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

Sheriff
Village Manager
Budget Report
DPW

CONSENT AGENDA:

None.

OLD BUSINESS:

1. Approval of Parking Plan
2. Award of Bid for DPW Truck

NEW BUSINESS:

1. Approval to Begin Japanese Marketing Plan
2. Approval of Contract with Dexter Area Historical Society
- ~~3. Executive Session to Discuss Union Negotiations~~
3. Firehall discussion

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITMES^{CM} WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
REGULAR MEETING
OCTOBER 26, 1992

The meeting was called to order at 8:00 P.M. by President Arbour at First of America Bank Building, 8123 Main Street.

Present: Gordenier, Pearson, Cousins, Adams, Rush, Gregory, Arbour
Absent: None
Also present Manager McCue

Approval of Minutes

Moved Gordenier, support Adams to approve the minutes of the October 12, 1992 regular meeting as presented.

Moved Adams, support Pearson to add the items listed on the October 12, 1992, Consent Agenda: 1. Designation of Signors for First of America Account, 2. Designation of Signors for Society Bank Accounts, 3. Designation of signor for Great Lakes Bancorp Accounts, 4. Approval of Trick or Treating Hours, 5. Receive and file DDA Minutes, 6. Receive and file Planning Commission Memo

Ayes: Gordenier, Pearson, Cousins, Adams, Rush, Gregory, Arbour

Nays: None

Motion Carried

Vote on original motion:

Ayes: Gordenier, Pearson, Cousins, Adams, Rush, Gregory, Arbour

Nays: None

Motion Carried

Approval of Agenda

Under New Business, Item 3. Set Executive Session was removed from the agenda, added as Item 3. Fire Hall Discussion

Moved Cousins, support Gordenier to approve the agenda as amended.

Ayes: Gordenier, Pearson, Cousins, Adams, Rush, Gregory, Arbour

Nays: None

Motion Carried

Communications

1. Letter from Mr. T. Klever

Manager McCue will do further investigation and will report to Council in six weeks.

Non-Arranged Citizen Participation

Brian Vandergrift, 8020 Huron addressed Council requesting enforcement of the 25 MPH speed limit in his neighborhood.

W. Steptoe, 7250 Dan Hoey, addressed Council expressing his gratitude to the Sheriff's Dept. for the enforcement of the speed limit on Dan Hoey Road.

T. Klever, 3580 Hudson, addressed Council expressing his concern regarding the rezoning of the Blanchard property, The money owed to the Village by V-Tech and any other monies owed by

Moved Cousins, support Pearson to approve the contract with the Dexter Area Historical Society for \$450 with the Village President and Clerk authorized signatories.

Ayes: Gordenier, Pearson, Cousins, Adams, Rush, Gregory, Arbour

Nays: None

Motion Carried

3. Firehall Discussion
Discussion only.

President's Report

President Arbour informed Council that three citizens have expressed interest in serving on the Planning Commission and that he will make recommendation to Council at the next regular meeting. He also acknowledged the letter from Mr. S. Woryn, of Wixom, MI, dated October 22, 1992, and stated he would respond to his letter with a telephone call.

Non-Arranged Citizen Participation

W. Steptoe, 7250 Dan Hoey Road, expressed his concern regarding the enforcement of meeting rules by the Chair.

T. Klever, 3580 Hudson, stated he thinks Council should provide a podium at the microphone to be used by those who wish to address Council.

Trustee Adams asked questions of the Village Manager regarding Village Attorneys' billings.

Adjournment

Moved Gordenier, support Gregory to adjourn the meeting at 10:52 P.M.

Respectfully submitted,



Donna L. Fisher
Village Clerk

Filing Approved 11-9-92

To: Village Manager Mr. McCue, Village President and Trustees and
Planning Commissioners

From: Timothy J. Klever

3580 Hudson St. Dexter Michigan

Date: October 15, 1992



I wish that this be entered into public record as correspondence at the next Council meeting and Planning Commission meeting.

This letter will serve to address what I consider certain improper and illegal zoning which has taken place over the past decade in the Village of Dexter.

Arbitrary "contracts" were entered into by the village on two large parcels of property, the former Eck property and Blanchard PUD. Complicating the issue is the fact that correct legislative procedure was not adhered to.

Two recent request have again brought these properties back into the spot light.

1. The request to build a strip mall on Ann Arbor Dexter Rd. on the former Eck property. This continues the improperly zoned use of this land.
2. The recent request to continue the P.U.D. for the Blanchard property only serves to continue the illegality of the zoning on this piece of property.

There are several problems with the zoning on the Blanchard PUD. From the outset the Village entered into a "contract" with the owners in regard to the Blanchard PUD property, it was an agreement struck between the owners and signed by former President Paul Bishop when the I.P. property was purchased from these people.

This zoning and subsequent land use were part of the sales agreement and not part of a "legislative" zoning process that is required to take place by law.

On March 19, 1986 Mr. Bishop stated that the purchase of the 120 acres of the Hoey Project is contingent upon the Pud Zone for an additional 50 acres of this land. This is contact zoning.

2.

At the same meeting a Planned Unit Development classification was added to the Zoning classification.

One need only examine Paragraph 11C of the Sales Agreement Addendum dated April 3, 1986. This agreement states that the property is being zoned "administratively" at the signing of the agreement to purchase.

The zoning agreement signed by then President Paul Bishop is in fact illegal.

To further complicate the issue, due process to establish zoning in the legislative manner required by Public Act 207 was also ignored by the president and council at that time.

This legislative process requires that proper notifications and public hearings that correlate to specific procedural steps take place. There is no indication that proper notice or publication for public hearings were followed.

The following documents support the fact that "contract" zoning took place for the Blanchard PUD.

1. A Planning Commission meeting that discussed the purchase of property with contingency on PUD zoning. March 19, 1986 Meeting.
2. The purchase agreement for the property is the absolute point. There is no indication that any legal advice was sought regarding the this agreement and the possible legal issues involved.
3. The Blanchard request for a PUD was never completed. It was a PUD THROUGH THE CONTRACT PROCESS. The PUD was approved prior to an "area plan" being considered which is in reverse of what is suppose to happen.
4. The application process was never properly followed in terms of meeting what the law requires.
5. All the rezonings were done in one huge amendment.

It appears that these actions were taken to facilitate the purchase of the Industrial Park property.

3.

The Eck Property was handled in a similar fashion.

The Village entered into an agreement "contract" with the Dexter Highlands Limited Partnership on August 28, 1981.

This agreement dealt with off site improvements etc. in exchange for rezoning of the property.

This can also be characterized as a "contract zoning" situation.

It was an agreement between the village and this particular developer to zone the property in a manner specified by this developer's plans for the property.

On October 12, 1981 Trustee Bishop, supported by O'Haver, moved to adopt the map dated September 17, 1981 as the zoning for the Dexter Highlands property.

It also should be noted that this zoning was not a "legislative" procedure as required by law.

There is no record of public hearings with correctly verified public notice or any adjacent property owners be notified, these are all a part of the process required by Public Act 207.

The Dexter Highlands Limited Partnership forfeited on the land contract for this property on 8/85 and it went back to the Eck estate.

At that time this negotiated or illegal contract zoning should have ended. The property should have been rezoned in a proper legislative manner that would have ended this contract with the developer.

Recently, a 1991 opinion from the Village Attorney to then Village Manager James Palenick, per Village request, gives his opinion regarding this property and its zoning.

This opinion is worth reading. It points out the illegalities of the zoning.

The question arises as to why a legal opinion was not sought by council in 1981 and again in 1986 on these properties.

4.

It appears that in 1981 and again in 1986 real knowledge of zoning, planning and the laws pertaining to implementation process were ignored.

Former Presidents and councils may plead ignorance, but was it ignorance or just the fact that these projects were being pushed by members of the governing body at that point in time.

It certainly appears that the village could be in quite a "pickle" if people were to challenge the zoning on these properties.

The challenge process would start in District Court.

For all intents and purposes if challenges were to hold up, the strip mall would at least be delayed.

The Blanchard PUD could and would most likely be considered a contract and illegal.

Now who pays for those mistakes?

Who pays for the rezoning process?

What would litigation cost the village?

What are the implications of development on these parcels?

If it is being sold with this illegal zoning attached what is the position of the village if it were challenged?

LONG, CLARK & BAKER

ATTORNEYS AT LAW

320 NORTH MAIN STREET

SUITE 100

ANN ARBOR, MICHIGAN 48104

TELEPHONE

663-8111

AREA CODE 313

PETER A. LONG
E. SPAULDING CLARK II
BASIL A. BAKER

March 28, 1991

Mr James Palenick, Village Manager
Village of Dexter
8140 Main Street
Dexter, Michigan 48130

Dear Mr Palenick:

We have been asked whether an agreement previously entered into between the Village of Dexter and a private party in connection with a proposed real estate development is binding upon future owners of that property.

For the purposes of this letter I have assumed (and my conclusions are based upon the accuracy of) the following facts:

The Dexter Highlands Off-Site Development Agreement ("Agreement") was entered into between the Village and Dexter Highlands Limited Partnership ("DHLP") on August 28, 1981. The purpose of the Agreement was stated to be to "insure that certain off-site improvements are installed to properly service" the proposed Dexter Highlands development while noting that "the nature, extent, phasing and cost-sharing of said improvements is crucial to the viability of the existing Village of Dexter." Among other matters agreed upon between the Village and DHLP were the latter's undertakings to provide certain road, water supply and sanitary sewer improvements, to enter into a subdivision escrow agreement, to donate certain parcels for park purposes and to undertake development in specific phases. The Agreement was entered into in connection with the rezoning of the subject property.

If the Agreement may be viewed as so-called "contract zoning", it will be void and of no effect whatsoever. Not only the Agreement but the rezoning classifications themselves would be in jeopardy. One theory behind this prohibition is that the municipality, in passing a zoning ordinance, is engaged in legislating and not in contracting; this means no one is bound to the municipality and the municipality binds itself to no particular owner as a result. Also, because governing law requires that regulation within a given district be uniform throughout that district, special

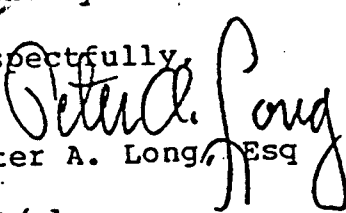
Mr James Palenick, Village Manager
Village of Dexter
March 28, 1991

development ("PUD"), the Village would have the express authority to phase developments "so that serious overloading of utility services and community facilities will not result..." But this zoning classification was not adopted by the Village until well after 1981. But it may be nonetheless argued that phasing no less than (for example) the express understanding relating to payment for sanitary sewer improvements relates to the lessening of the financial burdens of the community at large. Result: no contract zoning because it is not limited to the favoring of one particular owner within a zoning district.

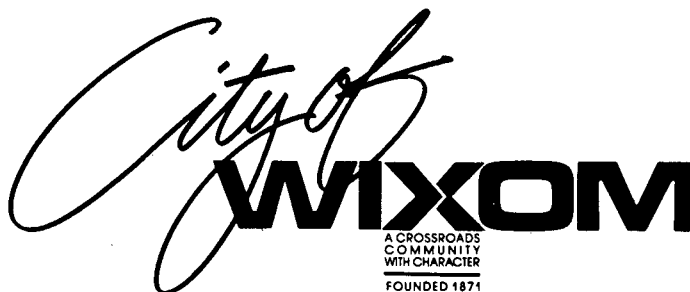
In summary, then, while the Agreement is literally a "contract" entered into in connection with a rezoning and while there is no clear Michigan statutory or case-law-based authority upon which to rely, I believe that the Agreement should avoid being characterized as contract zoning under the circumstances described above. The Agreement and the rezoning classifications should thus be considered effective and binding. Nonetheless, if a PUD zoning classification had existed at the time of the Agreement, it would have provided much better authority for the Agreement. It is with planned unit developments where State law expressly permits the attachment of conditions to the zoning approval being sought. (These "reasonable conditions" are set forth in MCLA 125.584c, a copy of which is attached.)

However, given the arguably continuing effectiveness of the Agreement, will its terms be considered binding upon a subsequent owner where the contemplated development has been discontinued or substantially modified? It is my opinion that they will not. By definition these understandings were negotiated and agreed upon based on specific project characteristics. These characteristics resulted in needs for public services appropriate to those characteristics. Because the original project has been discontinued, the provisions of the Agreement can no longer be viewed as binding. Only if the proposed development were to be identical could it be argued that owners succeeding to the 1981 owner may be bound by its terms.

Respectfully,


Peter A. Long, Esq

PAL/pl



October 22, 1992

Mr. Phillip Arbour
3360 Dover
Dexter, Michigan 48130

Subject: Mr. Michael McCue

Dear Mr. Arbour:

On October 22, 1992, at approximately 10:00 a.m., I received a telephone call from a woman who stated "I represent a group of citizens who are questioning the abilities of Mr. McCue. Your name has come up as one of those people who Mr. McCue did not get along with."

My comments to this individual were very brief and to the point. I'm not sure what objective this person was aiming at. I have worked for the government for approximately 25 years, and I know when this sort of thing starts it can lead to political, as well as personal grief. It appears that someone has been offended and is attempting to retaliate. I have no history as to who or why. My recommendation to you, as Village President, is to give this matter your full attention immediately and bring it to a conclusion.

I knew Mr. McCue while he worked for the City of Wixom. His character and abilities exceeded those of people in similar positions. He was the Administrative Assistant to the City Manager and worked many different hats. He provided the previous City Manager, Bill Barlow, with concise and accurate reports. Mr. McCue was selected for the Wixom position over many other candidates, based on his college transcripts and experience. I am sure that with his background and now his further experience as Village Manager, he will continue to be a valuable asset.

If I can be of any further assistance, please call me at 624-0881.

Sincerely,

Sid Woryn
Building Official

jc

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS

OCTOBER 26, 1992

BILLS DUE (PAGE 1)	\$ 24,252.84
CONSTRUCTION & ENG FUNDS (PAGE 2)	150.00
HAND CHECKS (PAGE 2)	247.90
PAYROLL COSTS (PAGE 3)	18,317.13
PETTY CASH (PAGE 4)	<u>53.50</u>

TOTAL BILLS AND PAYROLL COSTS EXPENDED

ALL FUNDS \$ 43,021.37

PAYEE-EXPLANATION	CODE	TOTAL	101 GENERAL	202 MAJOR ST	203 LOCAL ST.	590 SEWER	591 WATER
AT&T CSC	172-852	17.88	17.88				
AUGUSTINE, KURT/MILEAGE	441-861	16.90	16.90				
BUSINESS RESOURCES	VARIOUS	156.38	156.38				
CROWNOVER CONCRETE	474-974	575.00		575.00			
DETROIT EDISON							
MUNICIPAL ST LIGHTING	448-920	2,022.50	2,022.50				
DEXTER LEADER	VARIOUS	438.26	394.56				43.70
GRAINGER, W. W.	VARIOUS	237.83				237.83	
GRANT'S AUTO & TRUCK	441-930	140.52	140.52				
GRAPHIC CONTROLS	556-740	86.77					86.77
GUNDRUM ROOFING CO.	265-975	94.00	94.00				
ICMA	172-965	64.00	64.00				
KITCHEN, KEITH/MILEAGE	441-861	16.90	16.90				
LONG, CLARK & BAKER	101-803	1,265.00	1,265.00				
MI BELL/426-8303	172-853	140.37	140.37				
O'GRADY, DONNA	265-970	395.84	395.84				
PETOSKEY PLASTICS, INC.	528-740	162.00	162.00				
QUALITY COPY CENTER	101-956	164.65	164.65				
R.P.M. EXCAVATING	474-974	157.50		157.50			
TELEDIAL AMERICA	172-853	106.20	106.20				
UMSTEAD MANUFACTURING	463-740	109.00	109.00				
W.C. MUN & TWSP CLERKS	215-815	7.50	7.50				
W.C.S.D./9-92 CONTRACT	301-802	16,817.21	16,817.21				
" /8-92 MILEAGE	301-802-01	960.63	960.63				
W.D.C./92 OPENHOUSE							
DONATION	101-880	100.00	100.00				
TOTALS		24,252.84	23,152.04	732.50		237.83	130.47

CONSTRUCTION AND ENGINEERING BILLS:

<u>PAYEE-EXPLANATION</u>	<u>CODE</u>	<u>AMOUNT</u>
UTILITIES INSTRUMENTATION SERVICE	590-549.000-973.011	\$ 150.00
	<u>TOTAL</u>	<u>\$ 150.00</u>

HAND CHECKS

MICHAEL McCUE/EXPENSE M.E.R.S. SEMINAR	VARIOUS	\$ 100.00
DEXTER PHARMACY-UPS SHIPPING	590-556-727	<u>147.90</u>
	<u>TOTAL</u>	<u>\$ 247.90</u>

<u>PAYEE-EXPLANATION</u>	<u>TOTAL</u>
<u>PAYROLL COSTS - OCTOBER 10, 1992</u>	
FERN JACKSON	685.30
JANET C. KARVEL	606.20
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	366.04
KURT J. AUGUSTINE	518.10
KEITH L. KITCHEN	613.11
PATRICK A. MCKILLEN	797.89
BRUCE T. WHITLEY	491.81
THOMAS C. DESMET	858.81
ANDREA M. DORNEY	594.60
EDWARD A. LOBDELL	775.97
DANILE L. SCHLAFF	416.46
LARRY C. SEBRING	677.40

TOTALS	9,124.44
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<u>PAYROLL COSTS - OCTOBER 17, 1992</u>	
FERN JACKSON	489.18
JANET C. KARVEL	606.20
MICHAEL MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	335.66
KURT J. AUGUSTINE	466.29
KEITH L. KITCHEN	459.83
PATRICK A. MCKILLEN	638.30
BRUCE T. WHITLEY	491.85
THOMAS C. DESMET	954.24
ANDREA M. DORNEY	594.60
EDWARD A. LOBDELL	775.97
DANIEL L. SCHLAFF	237.98
LARRY C. SEBRING	677.40
DONNA L. FISHER	491.66
RITA A. FISCHER	250.83

TOTALS	9,192.69
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TOTAL PAYROLL COSTS = \$18,317.13

DEXTER VILLAGE COUNCIL

OCTOBER 26, 1992

PETTY CASH

ADMINISTRATIVE

REIMB MANAGER'S MEETING	101-171-861	\$ 12.00
MILEAGE SOCIETY BANK	101-172-861	10.40
PRIORITY MAIL	101-172-727	5.80
MISC. SUPPLIES	101-172-956	9.69

WATER DEPARTMENT

WASH TRUCK	591-556-939	3.00
UPS WA SAMPLES	591-556-727	<u>12.61</u>

TOTAL PETTY CASH EXPENDED ALL FUNDS	\$ <u>53.50</u>
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V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
NOVEMBER 9, 1992
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Philip Arbour Council: J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
Village Manager: M. McCue

PUBLIC HEARING:

1. Approval of Village Personnel Manual Ordinance

APPROVAL OF THE MINUTES:

1. October 26, 1992 Regular Village Council Meeting

PRE-ARRANGED CITIZEN PARTICIPATION:

None.

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

None.

COMMUNICATIONS:

None.

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

Utilities
Village Manager
Budget Report

CONSENT AGENDA:

1. Receive and File Planning Commission Minutes of October 5, 1992
2. Approval to Hang Banner at Monument Park; Historical Society Request

OLD BUSINESS:

1. Approval of Parking Plan
2. Approval of Village Personnel Manual Ordinance
3. Administrative Rezoning to rezone (back) a parcel in Block 20
- Lot 11, 7890 Forest, Dexter, MI, tax code #82-08-06-153-022,

- from lot PB back to R-1-C.
4. Award of Bid for Accessory Equipment for 1993 Cab and Chassis

NEW BUSINESS:

1. Approval to Seek Bids for an Outdoor Warning Siren
2. Consideration of Revocation of IFT Certificate (Tax Abatement) for V-Tech-Dexter
3. Discussion on Amendment to Solid Waste Ordinance for the Regulation of Leaf Burning
4. Set Council Workshop to Discuss Budget
5. Approval for Dedication of Col. Jeffords' Gravesite
6. Executive Session to Discuss Personnel Matters and Union Negotiations

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEMS WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
REGULAR MEETING
NOVEMBER 11, 1992

9 DF. 11-9-92

The meeting was called to order by President Arbour at 8:00 P.M. at First of America Bank Building, 8123 Main Street.

Present: Gregory, Cousins, Rush, Pearson, Arbour
Absent: Adams, Gordenier

Also present: Village Manager McCue

Public Hearing

1. Approval of Village Personnel Manual

The hearing was opened by President Arbour at 8:02 P.M.

There were no citizens who wished to speak.

The hearing was closed at 8:03 P.M.

Approval of Minutes

Moved Cousins, support Pearson to approve the minutes as presented.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

of the October 26, 1992
regular meeting.
DF. 11-9-92

Approval of Agenda

Moved Gregory, support Rush to approve the agenda as presented.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

Non-Arranged Citizen Participation

M. Kimmell, 3290 Central, addressed Council asking questions regarding the Dapco landscape plan, expressing her opinion on the Council's management of the situation and asking Council intentions regarding the issue.

W. Steptoe, 7250 Dan Hoey, read sections from the Village IP Protective Covenants and asked for a listing of names of those serving on the landscape committee. He also read from a letter to the Village from W. Tupper regarding water and sewer rates. He stated that he feels the Dapco landscape situation has been going on too long.

Communications

Council received copies of an Ann Arbor News clipping regarding V-Tech, additions to bills and payroll and a water and sewer fund report.

Approval of Bills and Payroll

Moved Gregory, support Rush to approve bills and payroll costs in the amount of \$69,753.76.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour
 Nays: None
 Motion Carried

Consent Agenda

1. Receive and file Planning Commission minutes of October 5, 1992

2. Approval to hang banner at Monument Park; Historical Society

Moved Rush, support Pearson to approve the two items listed on the consent agenda.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour
 Nays: None
 Motion Carried

Old Business

1. Approval of Parking Plan

Moved Cousins, support Pearson to set a public hearing for the purpose of taking public comment on a proposed downtown parking plan for December 14, 1992, First of America Bank Building, 8:00 P.M.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour
 Nays: None
 Motion Carried

2. Approval of Village Personnel Manual

Moved Cousins, support Rush to adopt the Village of Dexter Personnel Manual Ordinance. (Copy attached)

Ayes: Gregory, Cousins, Rush, Pearson, Arbour
 Nays: None
 Motion Carried

3. Administrative Rezoning to rezone (back) a parcel in Block 20 - Lot 11, 7890 Forest, Dexter, MI.

Moved Cousins, support Rush to concur with the Planning Commission recommendation that the parcel described as tax #82-08-6-153-022, Lot 11, Block 20, 7890 Forest be rezoned back from PB to R-1-C for the purpose of changing the Zoning Map.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour
 Nays: None
 Motion Carried

4. Award Bids for Accessory Equipment for 1993 Cab and Chassis

Moved Pearson, support Gregory that the Village purchase equipment from Shults Equipment in the amount of \$23,888.00 with funds to be derived from General Fund, Public Works, capital outlay - equip., furn., fixt., Account #101-528-977.000.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour
 Nays: None
 Motion Carried

New Business

1. Approval to Seek Bids for an Outdoor Warning System

Moved Rush, support Gregory to direct the Village Manager to

seek bids for a Village outdoor early warning system with bid openings to take place December 7, 1992.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

2. Consideration of Revocation of IFT Certificate for V-Tech-Dexter

Discussion only. No action taken.

3. Discussion on Amendment to Leaf Burning Ordinance

Moved Rush, support Cousins to set a public hearing for the purpose of taking public comment on the amendment of the Village of Dexter Solid Waste Management Ordinance and Resolution Pertaining to Implementation of the Village of Dexter Solid Waste Management Ordinance for December 14, 1992, 8:00 P.M., First of America Bank Building.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

4. Set Council Workshop to Discuss Budget

Moved Cousins, support Gregory to set a budget workshop for November 30, 1992, 8:00 P.M., First of America Bank Building.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

5. Approval for Dedication of Col. Jefford's Gravesite

Historian T. Bantle, 10544 Livingston, Livingston County, announced his plans for dedication service to begin at Monument Park and end at Forest Lawn Cemetery.

Moved Cousins, support Pearson to approve the request of historian T. Bantle to conduct the dedication service for Col. Jefford's gravesite.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

President's Report

Moved Rush, support Gregory to appoint R. Tell to the Planning Commission to fill the unexpired term of P. Arbour.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

President Arbour announced two vacancies on the LDFA Board.

Non-Arranged Citizen Participation

None

Old Business Item 6 was taken up at this time.

Moved Cousins, support Gregory to move into executive session at 9:55 P.M. for the purpose of discussion of personnel matters and

union negotiations.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

Moved Rush, support Gregory to move into regular session at 10:21 P.M.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

Moved Rush, support Gregory to amend the agenda to allow the discussion of the Monument Park Wall Item 5.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

Old Business

5. Monument Park Wall

Manager McCue answered questions posed by Council regarding progress of constructing/correcting placement of the wall in Monument Park.

Adjournment

Moved Gregory, support Pearson to adjourn the meeting at 11:15 P.M.

Ayes: Gregory, Cousins, Rush, Pearson, Arbour

Nays: None

Motion Carried

Respectfully submitted,



Donna L. Fisher
Village Clerk

Filing Approved 11-23-92

M E M O R A N D U M

TO: Village President and Village Council
FROM: Michael J. McCue, Village Manager
RE: Manager's Report
DATE: November 6, 1992

MDOT Grant

As you will remember, the Village applied for an MDOT grant to help fund possible water and wastewater improvements in the annexed areas. Unfortunately, the Village did not get invited to compete in the second round. (please see letter enclosed) The number of requests were very high and only the poorest communities qualified for the grant. We should be in a better to get the grant next year.

International Marketing Update

You will find enclosed the flier that was mailed to some Japanese families. It, roughly translated, invites people to the first annual Dexter Fall Festival. It includes hayrides, apple bobbing, and outdoors events. It also talks about seeing the "real" hometown America. Follow-up phone calls will be made next week to determine the number of people who may be attending.

LDFA Money

The LDFA has sent the debt service portion of the taxes to the Village. We are currently checking them for accuracy with the tax books.

Liability Insurance Bid

The Village's liability insurance expires July 1, 1993. Because of a clause in the current contract, if we change companies we are required to give 90 days notice to the current carrier. Consequently, I am preparing a bid specifications package so that we may let bids early enough to give the 90 days notice (if needed). I will present more information to you in the near future.

Auditor Bids

I have received four bids from prospective auditors for the Village. They include: Berthiaume & Associates (the current auditor), Plante & Moran, Rehmann Robson Associates, and Drake and Associates. I am tabulating their responses and checking their references and backgrounds. I hope to present my recommendations to you in December.

Leaf Vacuuming program Update

The first week of the Village Leaf Vacuuming program has been wildly successful. Over 675 cubic yards of compacted leaves have been vacuumed so far. This is more than the last two years combined. The DPW crew did an excellent job vacuuming this many leaves in the four day period.

Short-term Parking Signs

Signs and posts for the downtown parking meters have been ordered and should be here in two to three weeks. They will be installed upon arrival.

Cub Scout Tour

A local Cub Scout Pack has requested a meeting with the Village Manager to earn a civics badge. I will meet with them 10 a.m. November 16. Any Councilmember who is interested and is willing to help is invited to this meeting.

DAPCO Landscaping Plan

The Landscape Review Committee has approved a landscaping plan for DAPCO. According to the Village Zoning Ordinance, the plan must be reviewed by the Planning Commission and forwarded to the Village Council with a recommendation. This plan will be presented to the Planning Commission at the next meeting (Dec. 7). It will then be presented to the Council at the Dec. 14 meeting.

Parting Thought

Niels Bohr, the Danish physicist once wrote: "Who cannot limit himself can never be able to write."

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS
NOVEMBER 9, 1992

BILLS DUE (PAGE 1)	\$ 46,249.41
HAND CHECKS (PAGE 2)	580.48
CONSTRUCTION & ENG. FUND (PAGE 2)	450.99
PAYROLL COSTS (PAGE 3)	<u>18,552.41</u>
TOTAL BILLS & PAYROLL COSTS EXPENDED ALL FUNDS	\$ <u>65,833.29</u>

*\$ 69,753.76 DF.
11-9-92*

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: NOVEMBER 9, 1992
101 202 203PAGE 1
591

PAYEE-EXPLANATION	CODE	TOTAL	GENERAL	MAJOR ST	LOCAL ST.	SEWER	WATER
ARBOR SPRINGS	172-956	19.00	19.00				
AT&T CSC	548-853	19.80	19.80				
AT&T CREDIT CORP.	VARIOUS	100.18	59.09			41.09	
COGITATE	172-937	323.45	323.45				
CROWNOVER CONCRETE	474-974	1,606.00			1,606.00		
CURTIN MATHESON	556-93701	364.05					364.05
D&C PLUMBING/HEATING CO	548-937	106.08					106.08
DETROIT EDISON							
3620-3676CENT/WA TOW	556-920	1,393.32					1,393.32
8360HURON/CW LIFT STA	548-920	4,136.70				4,136.70	
8014;7982;8140;8050MAIN-VARIOUS		371.33	371.33				
DEXTER OFFICE SUPPLY	VARIOUS	44.74	23.14			21.60	
DEXTER CHAMBER COMM.	101-815	100.00	100.00				
DEXTER, VILLAGE OF	VARIOUS	37.21	29.27			7.94	
DYKEMA/GOSSETT	VARIOUS	4,252.15	3,107.15	660.00	110.00	375.00	
FISHER SCIENTIFIC	548-743	283.15				283.15	
GARY KOCH CONSTRUCTION	474-825	9,607.50		9,607.50			
GRAINGER	VARIOUS	194.44				194.44	
HACKNEY ACE HARDWARE	VARIOUS	318.72	171.97	62.45		26.11	58.19
JOHN'S SANITATION INC.	751-941	130.00	130.00				
LAVONNE'S CLEANING	265-935	175.00	175.00				
LEN'S RUBBISH/8-92CONT	528-816	10,678.67	10,678.67				
" " /RECYCLE	528-816020	1,638.36	1,638.36				
McCUE/REIMB MILEAGE	172-861	173.52	173.52				
MASTERLEASE/COPIER	172-977	243.30	243.30				
MI BELL-426-4572	VARIOUS	293.99				196.00	97.99
" " -426-8530	441-853	63.87	63.87				
MICHcon/8140&8050 MAIN	VARIOUS	530.29	530.29				
" " /8360 HURON	548-920	495.04				495.04	
MI DEPT OF CORRECTIONS	VARIOUS	635.00	180.00	230.00	225.00		
ORCHARD, HILTZ/MCCLIMENT	751-977	342.00	342.00				
PARTS PEDDLER	VARIOUS	244.76	5.99			238.77	
QUALITY COPY CENTER	172-727	74.10	74.10				
R.A. JOHNSON & SONS	556-825	300.00					300.00
RAM COMM OF MI	441-853	57.00	57.00				
ROTO ROOTER SEWER	548-826	180.00				180.00	
STRINGER, THOMAS	101-80301	3,295.50	3,295.50				
THOMPSON-MCCULLY CO.	VARIOUS	2,365.00	550.00	1,215.00	600.00		
WEARGUARD	441-740	1,056.19	1,056.19				
TOTALS		46,249.41	23,417.99	11,774.95	2,541.00	6,195.84	2,319.63

PAYEE-EXPLANATION	TOTAL	101 GENERAL	206 FIRE	202 MAJOR ST.	203 LOCAL ST.	590 SEWER	591 WATER
<u>PAYROLL COSTS - OCTOBER 24, 1992</u>							
FERN JACKSON	517.74						
JANET C. KARVEL	408.10						
MICHAEL J. MCCUE	971.14						
LARRY N. WAGNER-VT + SL							
MARY ANN LAMKIN	315.40						
KURT J. AUGUSTINE	578.62						
KEITH L. KITCHEN	459.84						
PATRICK A. MCKILLEN	797.89						
BRUCE T. WHITLEY	411.75						
THOMAS C. DESMET	954.24						
ANDREA M. DORNEY	594.60						
EDWARD A. LOBDELL	815.22						
DANIEL L. SCHLAFF	681.25						
LARRY C. SEBRING	697.03						
TROY MALONEY	308.36						
TOTALS	\$8,511.18						

PAYROLL COSTS - OCTOBER 31, 1992

FERN JACKSON	741.95
JANET C. KARVEL	623.96
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	842.37
MARY ANN LAMKIN	305.28
KURT J. AUGUSTINE	714.75
KEITH L. KITCHEN	846.48
PATRICK A. MCKILLEN	787.93
BRUCE T. WHITLEY	677.52
THOMAS C. DESMET	954.23
ANDREA M. DORNEY	594.60
EDWARD A. LOBDELL	736.72
DANIEL L. SCHLAFF	475.96
LARRY C. SEBRING	677.40
TROY MALONEY	80.94
TOTAL	10,041.23

TOTAL PAYROLL COSTS - \$18,552.41

VILLAGE OF DEXTER, MICHIGAN

PERSONNEL POLICIES

Be it Resolved by The Village of Dexter That:

The following personnel policies shall apply to all Village employees, except those exempted by state or federal statute.

INTRODUCTION

These policies are intended solely as information for employees of the Village of Dexter. The contents of these policies are not intended and should not be construed to constitute a contract between the Village of Dexter and any employee, or for the providing of any benefits. In any situation in which insurance benefits are provided, the terms of the applicable insurance plan are controlling regardless of any statement contained in these policies.

While the Village of Dexter believes strongly in the benefits described in the policies, conditions may change which the Village believes warrant modifying or deleting the benefit. Therefore, the Village of Dexter reserves the right to alter, modify, amend, or terminate any policy or benefit referred to herein at any time with or without notice to any employees.

To the extent any of the policies herein provided are in conflict with the terms and conditions of the collective bargaining agreement between the Village of Dexter and Teamsters Local 214, or an individual contract of employment that is authorized by the Village Council and duly executed by the President of the Village Council and an individual employee, the latter shall control.

APPLICATION PROCEDURE

Applications for employment with the Village of Dexter are to be made on forms provided by the Village. Applicants shall be required to provide information covering educational background, training, work experience, references, and other matters deemed pertinent and allowed by law. False or misleading information, or evidence of fraud, contained in a submitted employment application will preclude an applicant from further consideration or, if detected after a person's commencement of employment, immediate termination.

Applicants who have received an offer of employment may be required to undergo a physical examination (including testing for alcohol or illegal drugs), paid for and arranged by

the Village, prior to their commencement of work. In such cases, the person's employment is contingent upon the Village's receipt of a satisfactory medical evaluation and test results.

AT-WILL EMPLOYMENT RELATIONSHIP

Regardless of any statement in these policies or in any other document or statement issued by the Village of Dexter or any of its representatives, each non-union employee shall be employed at-will and, thus, for no definite period of time. Regardless of the time and manner of payment of wages and salary, each such employee may be terminated at any time, for any reason, with or without cause, and with or without notice, at the sole and exclusive discretion of the Village of Dexter.

No Supervisor or other representative of the Village of Dexter, other than the President of the Village Council, acting under duly authorized resolution of the Village Council, has the authority to enter into any agreement for employment for any specified period of time or to make any agreement contrary to the contents of this policy. Any such agreement must be in a writing directed exclusively to the employee and signed by both the employee and the President of the Village Council.

EQUAL EMPLOYMENT OPPORTUNITY

The Village of Dexter is an equal employment opportunity employer and complies with applicable state and federal laws governing nondiscrimination in employment.

SEXUAL HARASSMENT

The Village of Dexter expressly prohibits "sexual harassment" in the workplace.

Sexual Harassment shall include that which is termed "quid pro quo" sexual harassment, wherein an employee is pressured to feel that he/she must accept or tolerate unwelcome sexual advances in order to continue employment, receive pay increases or promotions, or to simply maintain an environment in which to pursue ones designated duties. Sexual harassment shall also include the creation of a "hostile work environment," wherein a frequency of incidents, comments, or conduct of a sexual nature, generated by one or more supervisors or employees, is clearly unwelcome by an offended employee yet continues without regard to such offended employee's stated objection or protestation.

If an employee feels that he or she is being subjected to sexual harassment, the employee should immediately report

the conduct to his or her supervisor, the Village Manager or the President of the Village Council, for investigation.

If it is determined that any supervisor or employee of the Village of Dexter has engaged in the sexual harassment of any other employee of the Village, said supervisor or employee shall, depending upon the determined nature and circumstances surrounding the incident, be subject to disciplinary action up to and including discharge.

The complaint and actions taken in resolution of the complaint shall be documented in writing.

WORK SCHEDULE

The normal work schedule for full-time Village employees shall be eight (8) hours per day and forty (40) hours per week. However, because of the need for constant staffing of some facilities, certain employees may be required to work other types of work schedules as determined by their Department Head or the Village Manager.

OVERTIME

For non-exempt Village employees, time worked in excess of eight (8) hours per day and/or forty (40) hours per week shall be compensated either by payment of one and one-half times the employee's regular hourly rate of pay, or providing the employee compensatory time off at the rate of time and one-half. Overtime must be approved by the Department Head or the Village Manager prior to its commencement.

The selection of compensatory time off in lieu of overtime compensation shall only be made upon an agreement between the Department Head or Village Manager and the employee before the performance of the work. In no event may an employee accrue in excess of 240 hours of compensatory time. An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the Village. Compensatory time cannot be transferred from one employee to another employee.

WAGES

Unionized employees shall be compensated in a manner consistent with negotiated contractual agreements between the Village and the representative of the bargaining unit.

In accordance with the Village Manager Ordinance, the salary or wages of all appointed administrative officers and department heads shall be recommended by the Village Manager and subject to approval of the Village Council. The wages or salaries of all other Village employees shall be determined and established by the Village Manager.

Employees not covered by individual or collective bargaining agreements shall have their wages or salaries reviewed yearly at the conclusion of the January or February performance evaluation. If increases are warranted, the rate and degree of such increase shall be determined and granted within 30 days of the completion of the evaluation.

EMPLOYEE EVALUATION

Employee evaluation is a continuous process involving a review of each employee's daily work performance by his or her Supervisor. Approximately once a year the employee's Supervisor will record how well the employee is doing, considering the amount and quality of the employee's work, the employee's willingness and ability to learn, the employee's attitude, how often the employee is absent or late and other qualities that may be important to a particular department or work situation. Each employee of the Village is to receive a formal, written performance evaluation in January or February of each year covering the employee's performance during the preceding calendar year. All evaluations will be conducted using the form approved by the Village Council. Every completed evaluation form shall remain a permanent record to be maintained in each employee's personnel file.

Approved forms will produce a cumulative, numerical point ranking for each employee evaluated. The ranking will total between 00 and 100 points and will reflect the employee's overall performance exclusively for the twelve-month period to which the appraisal is subject.

The annual evaluation will be used in determining the amount of a merit pay bonus, if any, each employee will receive. All employees, having more than six-month's continuous service prior to December 31st of any given year, shall be eligible to earn "merit pay bonuses" for that year, determined and paid following completion of the annual employee evaluation. When financial conditions allow for them, merit pay bonuses shall be one-time, lump-sum payments determined as follows:

Cumulative Evaluation Point Total:

Merit Pay
Bonus

51 - 60 points

.50% of
preceding
year Base
Salary

61 - 70 points

.75% of
preceding
year Base
Salary

71 - 80 points

1.0% of
preceding
year Base
Salary

81 - 90 points

1.5% of
preceding
year Base
Salary

91 - 100 points

2.0% of
preceding
year Base
Salary

Employees who receive fewer than 51 total points shall not receive a merit pay bonus.

Performance appraisals are necessarily a subjective and discretionary process. Nothing contained in this policy should be construed as a guarantee that formal reviews will be performed, or the frequency of such reviews. Moreover, although certain objective parameters are incorporated into the performance appraisal when it is performed, nothing contained in this policy should be construed to guarantee or warrant that the appraisal process will result in an objective appraisal which is satisfactory to the reviewed employee. It is hoped that the performance appraisal will provide an opportunity for both the employee and the employee's immediate Supervisor to establish a clear understanding as to current job duties, relative performance of these duties and areas for possible future development and potential career growth.

VACATION

Regular, full-time employees of the Village shall earn vacation time at a rate consistent with the following schedule:

0-6 months of continuous employment; vacation time is earned (but not granted) at a rate of 1 day for each completed month of employment, not to exceed 12 days per year.

6 months to 5 years of continuous employment; vacation time is earned at a rate of 1 day for each completed month of employment, not to exceed 12 days per year.

5 years to 10 years of continuous employment; vacation time is earned at a rate of 1.25 days for each completed month of employment, not to exceed 15 days per year.

10 years to 15 years of continuous employment; vacation time is earned at a rate of 1.5 days for each completed month of employment, not to exceed 18 days per year.

15 years to 20 years of continuous employment; vacation time is earned at a rate of 1.75 days for each completed month of employment, not to exceed 21 days per year.

In excess of 20 years of continuous employment; vacation time is earned at a rate of 2 days for each completed month of employment, not to exceed 24 days per year.

No vacation days are to be used prior to their being earned.

If hired the 1st through the 15th of the month, the "vacation base date" will be the first of that month; if hired the 16th through the last of the month, the base date will be the first of the next month.

The entire vacation time accrued must be taken annually unless circumstances, as determined by the Village Manager, necessitate otherwise.

In the event of resignation, discharge, or death, of an employee, the employee or employee's estate will be paid for the unused vacation days which the employee has accumulated at the employee's pay rate at the time of termination of employment.

Vacation requests are to be approved in advance by the respective Department Head and/or the Village Manager. In the case of conflicting requests, seniority will prevail. Vacation dates should be requested in writing at least two months in advance.

Vacation for Department Heads must be approved by the Village Manager.

HOLIDAYS

The following days are paid holidays for all employees:

- New Year's Eve 1/2 day (4 hours pay)
- New Year's Day
- President's Day
- Good Friday 1/2 day (4 hours pay)
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Eve 1/2 day (4 hours pay)
- Christmas Day
- Employee's Birthday
- The day after Thanksgiving

In order to be eligible to receive holiday pay, an employee must be on the payroll 30 days prior to the holiday. All eligible employees shall receive a paid holiday allowance equal to the number of hours the employee is normally scheduled to work per day (exclusive of overtime and not exceeding eight (8) hours per day) at the employee's base rate of pay. Employees working on an authorized holiday will be paid for the hours worked in addition to the holiday pay.

Should one or more of the above holidays occur on a day which is not a scheduled workday, employees will be paid for such a holiday or, at the Village Manager's discretion, be granted an additional day's leave. If a holiday occurs during any employee's authorized vacation period, that employee is entitled to an extra vacation day.

To receive a paid holiday, employees must work the last workday preceding the holiday and the first workday following the holiday or be on approved leave.

PERSONAL DAYS

All full-time employees shall be entitled to a maximum of three (3) personal business days per year with pay, not to be deducted from sick leave and/or vacation leave. Personal business time shall be earned at the rate of one (1) day (eight hours) per four (4) months of continuous service; it cannot be taken before it is earned. Personal business time is not cumulative year-to-year; if not taken within the calendar year it is earned, it is forfeited. Earned but unused personal business time will not be reimbursed to an employee upon leaving Village employment.

Personal days cannot be taken in increments of less than four (4) hours and may be used at the employee's discretion if approved by his/her supervisor. The employee must request personal business leave at least two (2) full working days prior to the day he or she wishes to take time off.

SICK LEAVE

All full-time Village employees shall be eligible to receive sick leave. Sick leave days will be earned at the rate of one day (8 hours) for each full month of employment, beginning with the seventh or eighth month of employment. If hired the 1st through the 15th of the month, the sick day base date will be the first of the seventh month of employment. If hired the 16th through the last day of the month, the base date will be the first of the eighth month of employment. All eligible employees shall receive as a sick day allowance, the equivalent of eight hours of their base rate of pay.

Sick days may be accumulated only to 120 days.

It is mandatory that all employees notify their supervisor at least one (1) hour prior to starting time if illness makes it necessary for them to be absent from work for that day. If the employee knows at the time of this notification that he or she will be absent for more than one (1) day, the employee must notify his/her supervisor of the longer absence. In the event the supervisor is not notified of a longer absence, the employee must repeat the notification procedure. Otherwise, no sick leave will be granted. A physician's certificate may be required, and must be furnished by the employee if requested by the employee's supervisor.

Employees may use accumulated vacation time in place of sick leave, if sick leave has been exhausted.

Upon termination of employment, whether voluntary or involuntary, or in instances of retirement or death, Village employees or their estates shall be paid for one-third (1/3) of their accrued sick leave at the employee's pay rate at the time of termination of employment. Sick leave days in excess of 120 days shall be paid out to employees accruing same, at the end of each calendar year at the rate of one-third (1/3) of actual days in excess of 120.

The use of sick leave shall be limited to those instances when employees are actually ill. The use of sick time for personal business or extending vacation leave will result in disciplinary action.

MEDICAL LEAVE

Medical leave will be granted without pay upon receipt of a letter from the employee's physician stating that such leave is necessary. The return date will be determined upon agreement between the Village and the employee, but may not exceed six (6) months.

An employee may elect to use accumulated vacation time prior to beginning an unpaid medical leave of absence.

For the employee who is granted a medical leave, health care coverage, as detailed herein, will be provided by the Village and remain in effect for a period not to exceed ninety (90) days following the commencement of the sanctioned leave period. Following completion of this ninety-day period, employees on medical leave may continue their health care coverage through the Village provider for the remaining period of the medical leave at their own cost.

WORKER'S COMPENSATION/INJURIES

The Village shall pay the entire cost of Worker's Compensation insurance. If an employee incurs an injury while working, medical and living expenses are provided for by state law.

Employees are responsible for reporting all on-the-job injuries to their Department Head, with a copy to the Village Manager. Reports must be in writing and submitted to the Department Head and Village Manager within 24 hours of the incident giving rise to the injury.

For work time lost because of an injury incurred during sanctioned employment efforts on behalf of the Village, all regular employees shall receive full pay for up to one full work week [five (5) work days following the day of the injury], without drawing upon their accumulated sick leave or vacation time.

Following expiration of the five day period, should an employee elect to do so, he/she can draw on any accumulated sick leave in an amount sufficient to provide full pay during the continuing period of time lost due to such injury up to the limit of such accrued sick leave. In no case, however, shall an injured employee draw more sick leave compensation than is necessary, in union with worker's compensation benefits, to equal his or her full pay.

All benefits shall cease when the Village's physician reports that the injured employee is able to return to work.

BEREAVEMENT LEAVE

In the event of the death of a father, mother, stepfather, stepmother, husband, wife, sister, brother, son, daughter, stepson, stepdaughter, grandfather, or grandmother in the immediate family of a Village employee, the employee may receive up to three (3) regularly scheduled workdays off with pay because of this death. If such death should occur on the weekend with the funeral on the following Monday, the employee will be paid for the Monday of the funeral only.

In order to be eligible for this pay, the employee must be on the active payroll at the time of the death.

JURY DUTY

Village employees will be excused from regular duty for those hours scheduled for actual jury duty. The employee must work all regular hours when attendance for jury duty is not required. The employer will pay the employee for his or her regular hours of work, and the employee will provide the Village any and all payments received as a juror fee.

INSURANCE

The Village provides medical insurance, including hospitalization, to eligible full-time employees and their eligible dependents. The Village also provides life and accidental death and dismemberment insurance to eligible employees. The employee and, where applicable, his or her dependents, becomes eligible for employer-paid insurance benefits after he or she has completed sixty (60) days of continuous service with the Village. Details of insurance benefits and coverage shall be provided the employee upon hiring.

Health Care Coverage

Each regular, full-time employee and his/her eligible dependents, shall be enrolled in the health-care, including dental and/or optical, coverage plan provided by the Village. In the event an employee is covered by a plan or plans other than that provided by the Village and opts to withdraw from enrollment in the Village-provided coverage, he/she shall receive a yearly lump-sum cash payment in lieu of such health benefits. Said payment shall be payable in January of each year, covering the preceding calendar year. If an employee was employed for a period less than the full 12-month calendar year, the health-care payment will be calculated on a pro-rated

DEPARTMENTAL RULES

Each department of the Village shall establish such departmental rules as the Department Head shall deem necessary. These rules shall be approved by the Village Manager. If any portion or provision of such rules shall be in conflict with the personnel policies of the Village, the personnel policies of the Village shall control.

DISTRIBUTION OF POLICIES

Each employee of the Village shall, upon commencement of employment, receive a copy of these personnel policies. Upon receipt of such a copy, each employee shall be required to sign a statement attesting to such receipt.

Effective 11-9, 1992

This Resolution declared adopted 11-9, 1992.

Members Present: Arbour, Gregory, Cousins, Rush, Pearson

Members Absent: Adams, Gordenier

Ayes: Arbour, Gregory, Cousins, Rush, Pearson

Nays: None

Abstain: None

Donna F. Fiske
Village Clerk

Amended April 24, 1989, and effective immediately.

Amended May 14, 1990, and effective immediately.

Amended September 24, 1990, and effective immediately.

Amended 11-9, 1992, and effective immediately.

ACKNOWLEDGMENT OF RECEIPT
OF PERSONNEL POLICIES

This will acknowledge my receipt of the Village of Dexter's personnel policies. I understand that the personnel policies are provided to me solely for the purpose of information and do not constitute a contract of employment between the Village and myself for either employment or the providing of any benefits. I further understand that the Village reserves the right to alter, modify, amend or terminate any policies or benefits at any time it chooses with or without notice to me.

I understand that in any situation where insurance is referenced, the terms of the specific plans are controlling, irrespective of any statement contained in the Village's personnel policies.

I also understand and agree that my employment is at-will and, thus, for no definite period of time. Regardless of the time and manner of payment of wages and salary, I recognize I may be terminated at any time, for any reason, with or without cause, and with or without notice, at the sole and exclusive discretion of the Village of Dexter.

I further understand that no supervisor or other representative of the Village, other than the President of the Village Council, acting under duly authorized resolution of the Village Council, has the authority to enter into any agreement for employment for any specified period of time or to make any agreements contrary to the foregoing. Any such agreement must be signed in a writing directed exclusively to me and signed by both the President of the Village Council and me.

I have read and understand the above statements and conditions of employment.

Print

Name: _____

Sign

Name: _____

Date: _____

One copy is to be signed and returned to the Village Manager. The employee should sign and retain another copy for his or her records.

NU-ACK

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
November 23, 1992
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Philip Arbour Council: J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
Village Manager: M. McCue

PUBLIC HEARING:
None.

APPROVAL OF THE MINUTES:
1. Regular Village Council Meeting Minutes of November 9, 1992

PRE-ARRANGED CITIZEN PARTICIPATION:
None.

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:
1. Letter from Mr. Tim Klever
2. *Clear Cablevision*

APPROVAL OF BILLS AND PAYROLL:

REPORTS:
Sheriff
Village Manager
Public Works
Utilities
Planning

CONSENT AGENDA:
1. Approval for Harmony Rebekah Lodge #460 Dexter, to Ring Bells for the Salvation Army

OLD BUSINESS:
1. Approval of DAPCO Landscaping Plan
2. *Curbing at Cottage Inn*

NEW BUSINESS:
1. Approval of Contract for 1993 with the Washtenaw Development Council

2. Naming of Road in Honor of Col. Harrison Jeffords
3. Approval to set Executive Session to Discuss Union Negotiations
4. Leaf Vacuum - Discussion

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

3. ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITMES WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL

REGULAR MEETING

November 23, 1992

The meeting was called to order at 8 p.m. by Village President Arbour at the First of America Building, 8123 Main St.

ROLL CALL

Present: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour
Absent: Adams (Trustee Adams entered the meeting at 9:52 p.m.)
Also Present: Village Manager McCue

PUBLIC HEARINGS

None

APPROVAL OF MINUTES

Moved Pearson, support Gregory to approve the minutes of the November 9, 1992 Regular Meeting as presented.
Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour
Nays: None
Motion Carried

PRE-ARRANGED CITIZEN PARTICIPATION

None

APPROVAL OF AGENDA

Moved Gordenier, support Gregory to approve the agenda as presented.
Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour
Nays: None
Motion Carried

NON-ARRANGED CITIZEN PARTICIPATION

W. Steptoe, 7250 Dan Hoey, read from City and Village Zoning: A Basic Guide for Local Officials.

T. Klever, 3580 Hudson, stated he was disturbed by the fact that he was not appointed to the planning commission, requested Council look into the matter of Cottonwood Condominiums and their lack of payment to the Village for sidewalks, and questioned zoning enforcement procedure as related to the zoning inspector/village manager.

P. Bishop, 7531 Forest, requested a copy of the village zoning administrator's quarterly report, and stated he believed hook-ups for water/sewer service to the Kingsley Property on Dexter-Ann Arbor Road are in place.

COMMUNICATIONS

Council received a letter dated November 13, 1992 from T. Klever and letter from Clear Cablevision

APPROVAL OF BILLS AND PAYROLL

Moved Gregory, support Gordenier to approve bills and payrolls costs in the amount of \$48,818.84.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

REPORTS

Sheriff - Sgt. Steilow presented the October report and informed Council of the resolution of the dogs at large problem and staffing changes.

Village Manager - Council received written report (Copy filed with minutes).

Public Works - Council received written report (Copy filed with minutes).

Utilities - Council received written report (Copy filed with minutes).

Moved Rush, support Cousins to suspend Council rules.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Rush, support Gordenier to add under Old Business Item 2 - Curbing at Cottage Inn and under New Business Item 4 - Leaf Vacuum.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

CONSENT AGENDA

1. Approval for Harmony Rebekah Lodge #460 Dexter to ring bells for the Salvation Army.

Moved Gordenier, support Gregory to approve the Consent Agenda item.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

OLD BUSINESS

1. Approval of Dapco Landscaping Plan

Moved Rush, support Gordenier to send the Dapco plan to the Planning Commission for recommendation to Council.

Ayes: Rush

Nays: Gregory, Cousins, Gordenier, Pearson, Arbour

Motion Failed

(Trustee Adams entered the meeting at this point - 9:52 p.m.)

Moved Cousins, support Adams that Council reject the proposed landscape plan dated November 3, 1992 as submitted by Dapco and send it back to the Landscape Committee with the following requirements.

1. Three evergreens be planted around each of the four air-conditioning units sufficiently sized to screen each unit.

2. Addition of following trees:

- A. four additional 6 foot spruce in center island
- B. four additional 6 foot spruce at east entry
- C. a re-submission of a formal site plan by Dapco by January of 1993 with final planting to be completed by June of 1993.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

New Business Item 1 was taken up at this time

1. Approval of contract for 1993 with the Washtenaw Development Council
Gretchen Waters, representative of the WDC addressed Council.

Moved Gregory, support Gordenier that the Village Council approve the contract with the WDC for 1993 in the amount of \$1,412.13 with these funds to be derived from General Fund, Governing Body, Dues, Memberships, Subscriptions, Account # 101-101-815.000 with the Village President authorized to sign the contract (Copy on file)

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

OLD BUSINESS

2. Curbing at Cottage Inn

Discussion centered on Cottage Inn's removal of improperly placed concrete, soliciting engineer's recommendation regarding existing wall, possibility of Village removing wall. Council authorized Village Manager McCue to seek solution/make recommendation.

NEW BUSINESS

2. Naming of Road in Honor of Col. Harrison Jeffords

Moved Rush, support Cousins to adopt the resolution naming Forest Avenue from Main to Broad Street Jeffords Avenue (Copy filed with minutes)

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

4. Leaf Vacuum

Moved Adams, support Cousins to direct the Village Manager to negotiate a price up to \$15,000, a payment schedule and a delivery schedule for purchase of leaf vacuum from the City of Wixom.

Ayes: Gregory, Cousins, Pearson, Rush, Arbour

Nays: Gordenier,

Motion Carried

PRESIDENT'S REPORT

None

NON-ARRANGED CITIZEN PARTICIPATION

P. Bishop, 7531 Forest Avenue, referring to the quarterly zoning report, questioned listed addresses, and asked for the estimated cost of the spruce trees specified by Council in the Dapco landscape requirements.

W. Steptoe, 7250 Dan Hoey, listed items he believed Council had given Dapco, i.e. delay in landscape completion requirement, water and sewer adjustments.

Moved Cousins, support Gordenier to suspend Council Rules.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Cousins, support Gordenier to amend the agenda to include New Business Item 5 - Village Manager Performance Evaluation Process.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

New Business Item 5 was taken up at this point

5. Moved Cousins, support Gregory to use the proposed form and the process of the Village President compiling responses of each Council member.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

NEW BUSINESS

3. Approval to set Executive Session to discuss Union Negotiations

Moved Gregory, support Gordenier to move into executive session at 11:15 p.m. for the purpose of discussion of union negotiations.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Gordenier, support Pearson to move into regular session at 12:31 a.m.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Gordenier, support Cousins to adjourn the meeting at 12:32 a.m.

Ayes: Gregory, Cousins, Gordenier, Pearson, Rush, Arbour

Nays: None

Motion Carried

Respectfully Submitted,



Donna L. Fisher

Village Clerk

12-14-92

Filing Approved

Letters to the Editor

RECEIVED NOV 13 1992

11:45 AM
JCK

Dear Editor,

The issue of banning leaf burning is again, before Council.

As part of the world community, the residents of Dexter Village must demonstrate our desire for a healthy and clean environment.

It is time our community demonstrates a concern for our citizens. We need to show that we recognize the negative effect that continued burning has on our Environment.

We need to say, we are no longer willing to contribute to the suffering of the 20% of our neighbors with allergies and lower respiratory reactions (who are negatively impacted by leaf burning).

We need to stand up and say we no longer wish to accept the dirt on our homes and the marring of our streets.

The Village of Dexter has for the past year made attractive alternatives to burning available. Instead of burning, we can participate in the curb side vacuuming and/or composting programs.

It is time that we show that we are neighborly enough to eliminate a popular but destructive fall ritual. Let's follow the lead of Saline, Manchester, Milan and Ann Arbor, in regards to this issue and ban burning.

I appeal to you as good and concerned neighbors. Let it be known that you are in favor of passing an ordinance that includes elimination of leaf burning.

Let Council know you care at the public hearing early in October.

Karen S. Klever.

Please enter as communicator
involving leaf burning at the next
council meeting.

My wife and I feel that this issue
is important and has not received
proper attention.

Thank you
Timothy J. Klever

RECEIVED NOV 13 1992

11:45 AM
gek

To: Dexter Village Council Members, Village President and Village Manager

From: Tim Klever, 3580 Hudson Dexter Michigan

Date: November 13, 1992

Re: Concerns about the methods used in the recent appointment of a new member to the Planning Commission



I was disappointed that President Arbour nominated another individual, other than myself to serve on the Planning Commission. I think that my past experience in local government and a demonstrated continued interest and involvement in village government, over the past seven years, was ignored by President Arbour.

In speaking with President Arbour, he seemed disturbed that my recently expressed concerns about past illegal zoning matters would interfere, some how, with my ability to serve in this capacity.

These concerns, of mine, should in fact have been seen as quite the opposite. They do show that I have some knowledge of zoning and am concerned that full citizen participation in these important planning issues was ignored.

Pointing out correctable errors, that could potentially lead to costly litigation/liability situations for the community one lives in should not be viewed as detrimental to ones ability to serve in such a capacity.

I sincerely hope that outside pressures to appoint another individual did not play a role in President Arbour's decision making process. I personally believe they factored into it.

Planning Commission appointments are not, by any means, an absolute power of the President.
see attached

1. Approval by a majority of **all elected** members of council is necessary.
2. Each council member is **entitled** and should be informed of all who have applied for the positions.
3. Were you **advised** of the names of the applicants?
4. Did any **discussion** take place at the council meeting regarding these individuals?

2.

5. Given the statute regarding appointments by an elected President of a village, does an nonelected President still have the power to make such appointments?

The above 5 issues are concerns that involve Public Act 285 sections 2 and 3.

Was this statute followed correctly?

Were my rights as a resident to serve in such a position violated by the process and the method of appointment followed at the meeting?

I believe they were and am requesting some official response concerning this appointment from the village.

It has always been my understanding that one of the goals of a democratic government is to involve as many individuals in the process as possible.

Why is it that given this opportunity Dexter Council ignored this basic precept of democratic government?

Choosing to appoint individuals to multiple positions on various commissions, when others have volunteered to serve, does not seem to follow this democratic concept of governing.

Mr. McCue informed me that there was a women also interested in the position. He didn't remember her name.

It was ironic that in the same short breath of one meeting, council asked for citizens to volunteer for other open positions.

*PLEASE ENTER INTO THE OFFICAL COMMUNICATION/RECORD
AT THE NEXT COUNCIL MEETING.
DISTRIBUTE TO ALL INDIVIDUALS R*

administration specified by the ordinance itself. These responsibilities often include review and approval of proposed site plans, special land uses and planned unit developments.

Responsibilities

(Section 4(2) of P.A. 207 of 1921, as amended and Section 12 of P.A. 285 of 1931, as amended)

The statutory authority and requirements for the planning commission in terms of zoning administration are highlighted below.

1. The planning commission must prepare and adopt a master plan to guide development in the city or village. A zoning plan is typically one element of the master plan.
2. The planning commission prepares the original zoning ordinance including both text and map showing proposed zoning district boundaries. After a public hearing on the ordinance, the planning commission transmits it and a summary of the public hearing comments to the city or village council for adoption.
3. The planning commission also advises the city or village council concerning future amendments, changes, additions or departures from the ordinance.
4. The planning commission, if so specified in the ordinance, reviews proposed site plans, special land use requests and planned unit developments for compliance with standards stated in the ordinance and in accord with procedures contained in both the ordinance and the City-Village Zoning Act.
5. A minimum of one regular public meeting must be held each month.

Membership & Guidelines

(P.A. 285 of 1931, Sections 2 & 3)

Membership requirements for the planning commission and some of its operating guidelines are identified in the Municipal Planning Act and may be supplemented by charter or other local ordinances. Statute requirements include three membership options for cities and villages of all sizes (Section 3) and 3 additional options for cities and villages of less than 5,000 population (Section 2).

Dexter.

Option 1

1. The planning commission has nine members who are representative of different professions or occupations.
2. Members of the planning commission are appointed by the mayor, if the mayor is an elected officer in the city or village. All appointments are subject to a majority vote of the total membership of the legislative body.
3. One member of the planning commission may also be a member of the board of appeals.
4. The term of office for each member is three years, except that three members of the first commission serve for one year, three for a term of two years, and three for a term of three years.

Option 2

1. The planning commission has up to nine members which may consist of the mayor, one administrative official of the city or village selected by the mayor, one member of the legislative body selected by its members ex officio, and six other members appointed by the mayor.
2. One of the appointed members may also be a member of the board of appeals but no other appointed members may hold other municipal offices.
3. The term of each appointed member, where six are appointed is three years or until his/her successor takes office except that the respective terms of two of the members first appointed are for one year and two for two years. The terms of ex officio members correspond to their respective official tenures, except that the term of the administrative official selected by the mayor terminates with the mayor's term of office.

Option 3

1. The planning commission may consist of 8 members appointed by a mayor and 1 member by the city council (which could be a council person).
2. One of the appointed members may also be a member of the board of appeals but no other appointed members may hold other municipal offices.
3. The term of each appointed member, where six are appointed is three years or until

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS

NOVEMBER 23, 1992

BILLS DUE (PAGE 1)	\$ 26,862.86
HAND CHECKS (PAGE 2)	358.93
CONSTRUCTION & ENG FUND (PAGE 3)	3,460.00
PAYROLL COSTS (PAGE 3)	<u>18,137.05</u>
TOTAL BILLS AND PAYROLL COSTS EXPENDED ALL FUNDS	<u>\$ 48,818.84</u>

<u>PAYEE-EXPLANATION</u>	<u>TOTAL</u>
<u>PAYROLL COSTS - NOVEMBER 7, 1992</u>	
FERN JACKSON	640.80
JANET C. KARVEL	484.96
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	305.28
KURT J. AUGUSTINE	259.06
KEITH L. KITCHEN	383.19
PATRICK A. MCKILLEN	797.88
BRUCE T. WHITLEY	491.87
THOMAS C. DESMET	954.60
ANDREA M. DORNEY	594.60
EDWARD A. LOBDELL	736.72
DANIEL L. SCHLAFF	594.95
LARRY C. SEBRING	677.40

TOTALS	8,644.01
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<u>PAYROLL COSTS - NOVEMBER 14, 1992</u>	
FERN JACKSON	660.88
JANET C. KARVEL	560.73
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	305.28
KURT J. AUGUSTINE	518.10
KEITH L. KITCHEN	613.10
PATRICK A. MCKILLEN	558.54
BRUCE T. WHITLEY	491.86
THOMAS C. DESMET	954.24
ANDREA M. DORNEY	594.60
EDWARD A. LOBDELL	736.72
DANIEL L. SCHLAFF	356.97
DONNA L. FISHER	491.28
RITA A. FISCHER	250.64
LARRY C. SEBRING	677.40
TOTALS	9,493.04

TOTAL PAYROLL COSTS = \$18,137.05

HAND CHECKS ISSUED:

<u>PAYEE-EXPLANATION</u>	<u>CODE</u>	<u>AMOUNT</u>
LARRY SEBRING/REIMB MILEAGE	591-556-861	\$ 26.60
<u>TAX REFUNDS AFTER ADJUSTMENTS FROM SCIO TOWNSHIP JULY 1992 BOARD OF REVIEW:</u>		
WATERS BROS PUB/REFUND TAX OVERAGE		70.80
STACEY TRENCHING & GRADING/REFUND TAX		115.60
SAFETY-KLEEN CORP/REFUND TAX		27.45
COTTAGE INN PIZZA/REFUND TAX OVERAGE		59.24
DEXTER RENTAL, INC/REFUND TAX OVERAGE		59.24
	<u>TOTAL</u>	<u>\$ 358.93</u>

CONSTRUCTION AND ENGINEERING BILLS:

SEWER REPLACEMENT FUND:

<u>PAYEE-EXPLANATION</u>	<u>CODE</u>	<u>AMOUNT</u>
ROBERT STACEY TRENCHING	590-548-826	\$ 2,800.00
UTILITIES INSTRUMENTATION SERV.	590-548-826	660.00
	<u>TOTAL</u>	<u>\$ 3,460.00</u>

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: NOVEMBER 23, 1992

PAGE 1

PAYEE-EXPLANATION	CODE	TOTAL	101 GENERAL	202 MAJOR ST	203 LOCAL ST.	590 SEWER	591 WATER
AMERICAN WATER WORKS	556-965	27.25					27.25
ANATECH	548-824	1,710.00				1,710.00	
ANN ARBOR IMPLEMENT CO.	441-937	69.87	69.87				
ARC SPRING, INC.	441-939	24.64	24.64				
AT&T CREDIT CORP	VARIOUS	100.18	59.09			41.09	
BOULLION SALES, INC.	VARIOUS	45.52	45.52				
DETROIT EDISON							
MUNICIPAL ST LIGHTING	448-920	2,022.50	2,022.50				
DEXTER AREA HISTORICAL	965-950020	450.00	450.00				
DEXTER LEADER	VARIOUS	364.11	364.11				
DEXTER MILL	VARIOUS	76.69	44.70	31.99			
DIAMOND GLASS/FEINER'S	441-939	377.54	377.54				
FISHER SCIENTIFIC	548-743	85.88				85.88	
GREAT LAKES OFFICE SYS.	172-727	174.20	174.20				
GRAINGER, W. W.	548-937	66.95				66.95	
GUNDRUM ROOFING CO.	265-935001	137.00	137.00				
JACK DOHENY SUPPLIES	441-937	51.00	51.00				
JONES CHEMICALS	548-742	230.00				230.00	
LAMKIN/REIMB MILEAGE	400-861	67.20	67.20				
LONG, CLARK & BAKER	101-803	231.00	231.00				
MORTON SALT	VARIOUS	1,258.29		629.15	629.14		
O'GRADY, DONNA	265-970	395.84	395.84				
ORCHARD, HILTZ	400-827001	87.00	87.00				
R.A.K. INDUSTRIES	441-740	533.59	533.59				
SALINE SUPER SOIL	474-974	319.95		319.95			
TELEDIAL AMERICA	172-853	35.79	35.79				
UMSTEAD MANUFACTURING	441-937	80.00	80.00				
W.C.S.D. CONTRACT 10/92	301-802	16,817.21	16,817.21				
W.C.S.D.-MILEAGE 9/92	301-802010	1,023.66	1,023.66				
TOTALS		26,862.86	23,091.46	981.09	629.14	2,133.92	27.25

VILLAGE OF DEXTER
Inter-Office communication

JULY 31, 1992

TO: MICHAEL J. McCUE, VILLAGE MANAGER

FROM: MARY ANN LAMKIN, ZONING ADMINISTRATOR/PLANNER

SUBJECT: THIRD QUARTER REPORT FOR 1992 (JULY - SEPTEMBER)

The third quarter of 1992 saw the receipt of a total of (14) zoning related applications and two applications requesting new addresses. Much of the third quarter was involved in enforcement of the zoning ordinance along with certain sections of the general ordinance. A new form was introduced to create a better tracking system for following zoning violation complaints. Additionally, an in-house tracking form was implemented to help organize a better flow of communication between the Village Manager, the Planning Commission Chair and the Zoning Administrator/Planner.

<u>TYPE</u>	<u>REQUESTED</u>	<u>APPROVED</u>
Zoning Certification	1	1
ZBA Applications	1	1
Zoning Compliance	8	8
Special Land Use	1	1
Sign Applications	3	3
	-----	-----
TOTAL	14	14
 Address Applications	 2	 2

PLANNING AND ZONING NOTES

July - September
1992

DATE: SUBJECT:

- July The July planning commission meeting saw continued discussion about the day-care ordinance and the mobile home regulations and standards. Carpenter Lumber also consumed a great deal of time; zoning administrator/planner concluded that no outstanding violations existed. A history of the zoning file gave no clear evidence that the Carpenter Lumber property had zoning related problems. One concern was addressed involving the fence placed along the property line that separated to distinctly different zoning classifications. And a zoning compliance application was requested. The fence in the front yard was recognized by the previous zoning administrator after receipt of a site plan. But, no follow-up requests were made of Mr. Carpenter concerning the fence in the front yard. Therefore, a time period of placement of the fence was hard to assess given the position taken by the previous zoning administrator.
- July The first planning commission workshop was held with the consulting firm of McKenna & Associates.
- July Mr. James Ahearn requested discussion time with the planning commission with regard to the Sunoco Gas Station at 8031 Main. Mr. Ahearn addressed the commission about his desires to improve the site by altering the building and adding an addition use. The proposed "new" use of the site would be a combination of gas station and convenience store. Parking required by the change in use a need for a possible variance were the main reason for the discussion with the planning commission. Mr. Ahearn explained that he had been before the DDA and explained his desires to help in the downtown parking problems.
- July Equitable Group amendment continued into July and was tabled.
- July DAPCO landscaping continued to be bantered back and forth between Council and DAPCO.
- July Blanchard barn on Dan Hoey Road became a major issue after it was finally torn down. The issue of what to do with the debris caused a considerable amount of discussion between the Health Dept., Fire Dept., Mr. Blanchard, Village Manager, and Zoning Adm.

DATE: SUBJECT:

- July Cottonwood Condos Phase III became a volatile situation which nearly culminated into a lawsuit threatened by Society Bank. Mr. Long became involved to help clarify the long, difficult and confusing list of events that finally lead up to the action taken a year ago last July with an amendment to the final site plan.
- August Once the Burton Hoey property on (7980) Fifth and Central was put on the market, there was a constant and continual line of inquiry about the "supposed" multiple-family use of the property. A memo was drafted and sent to the planning commission discussing the problems surrounding the perceived use of the property and the possibility of researching a plan to address the problems being seen by the deterioration of the large old homes in the Village and the alternatives for residential use.
- August Political signage was another issue that came up continually.
- August Zoning Board of Appeals fees and their "appropriateness", particularly given the fact that article IV forces nearly every property into a non-conforming use position, was sent to the Council for temporary relief application.
- August Continued concern about the Cousins Heritage Inn project and it's completion date was noted several times. For the most part, the concerns were made by the same 3 individuals.
- August Request was made by Village Manager to qualify the actual zoning classification of 7890 Forest. Mr. Long and Zoning Administrator discussed the problems caused by the incorrect recommendation by planning commission and subsequent approval of planning commission's recommendation and the proper solution to resolve the problem.
- September The Grohs Chevy illegal dumping was not completely addressed by the Village Manager; Zoning Administrator will wait for a written report to file.
- September Home occupation inquiries were numerous this quarter. (about 7 calls pertained to the subject of home occupation)
- September A FOI request kept me extremely busy through most of the third quarter, because the first report was lost and I

Page 3 Third Quarter Report

had to re-research the request again.

September A call was received about the possibility of an illegal berm off Kensington...I am still investigating.

September Village Manager requested information concerning Historical Preservation.

NUISANCE AND ZONING ORDINANCE VIOLATIONS

**July - September
1992**

DATE: SUBJECT:

July	Property 3295 Broad...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning Ordinance; resolved 7/15/92
July	Property 3479 Central...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning Ordinance; resolved 7/15/92
July	Property 3374 Broad...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning Ordinance; resolved 7/20/92 (Son called, said it was operable and that he would have his mom park it off the right-of-way.)
July	Property 8008 Forest (Hoey apartments)...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning Ordinance; resolved 7/13/92 (this apartment building is now owned by S.M.T. Management, Inc.)
July	Property 3565 Hudson...Violation of Article VI, Section 6.0 (D); resolved; (owner was allowed to leave vehicle until it is sold.)
July	Property 3232 Alpine...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning Ordinance; resolved 7/20/92 (needed additional time to get someone to tow again car)
July	Property 3344 Broad...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning Ordinance; resolved 7/20/92
July	Property 3319 Central...Complaint of illegal stored discarded household appliance (washing machine); resolved 7/24/92
July	Property 7820 Third...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning Ordinance; resolved 7/16/92 car only (trailer still in violation)
July	Property 3550 Edison...Violation of Storage and Repair of Motor Vehicles and Article V, Section 5.02 of Zoning

Page 2 Third Quarter Report 1992

Ordinance; second notice produce resolution 7/29/92

- July Property 3515 Broad...Dumpster not properly placed within front yard; resolved 7/15/92
- July Property 2940 Baker...Complaint about temporary sign place in right-of-way, causing vehicle sight restriction; resolved 7/21/92
- July Property 8073 Huron...Complaint from tenant that ground in the area of the sewer line placement was extremely muddy and not properly reclaimed; resolved Water Dept.
- August Property 2326 Bishop Circle East...final site plan landscaping requirements were not completed; a letter of intent was sent indicating that a final site inspection would be necessary to totally satisfy the requirements set forth in final site approval; resolution pending outcome of the DAPCO situation.
- August Property 2290 Bishop Circle East...final site plan landscaping requirements have not been completed; a letter of intent was sent indicating that a final site inspection would be necessary to totally satisfy the requirements set forth in final site approval; resolution pending outcome of the DAPCO situation.
- August Property 3035 Inverness...Complaint from anonymous caller concerned about illegal vehicle; complaint was forwarded to Village Manager.
- August Property 8145 Fifth...Complaint filed by neighbor (Mr. Frank Nagy) to Village Manager, zoning Administrator received complaint to follow-up after Village Manager was unsuccessful in satisfying complainant. (Violation of Dexter Village Ordinance #20.210 "Growth of noxious weeds or other harmful plants") resolved by Jack Richie, 9/92
- August Property 7710 Second...Illegal use of basement of a multiple-family complex for additional residential rental unit; pending notice process.
- September Property 3034 Baker...This violation is still open pending investigation by Washtenaw County Health Department and their findings with regard to possible ground water or soil contamination. (nuisance violation will remain open until rusty dumpster is removed)
- September Property on Third...Village Manger inquired about possible illegal burning; no burning seen.

Page 3 Third Quarter Report 1992

September DAPCO Violation to final site plan approval regarding landscaping; Village Manger is handling this matter.

September Complaint filed about political signs; in general.

V I L

WHEREAS

Harrison H. Jeffords, a Colonel and commander of the Fourth Michigan Regiment, fought and died heroically while saving the regimental United States Flag, at the battle of Gettysburg July 2, 1863;

and

WHEREAS

Col. Jeffords is buried in Forest Lawn Cemetery in Dexter,

IT IS HEREBY RESOLVED THAT:

Forest St., ^{Ave} from Main St. to Broad St., shall henceforth be named Jeffords ^{Ave} in honor of Col. Harrison H. Jeffords.

DF. 11/23/92

PUBLIC HEARING: Non

APPROVAL OF THE MIN

PRE-ARRANGED CITIZE

APPROVAL OF AGENDA:

NON-ARRANGED CITIZE

COMMUNICATIONS: Non

APPROVAL OF BILLS A

REPORTS: None.

CONSENT AGENDA: None.

OLD BUSINESS: None.

NEW BUSINESS:

1. Discussion on Budget

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITMES WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
1992-92 BUDGET WORKSHOP
NOVEMBER 30, 1992

The workshop came to order under the leadership of President Arbour at 8:08 P.M. at First of America Bank Building, 8123 Main Street.

Present: Rush, Gordenier, Pearson, Arbour

Absent: Gregory, Cousins, Adams

Gregory and Cousins entered the meeting at 8:30 P.M.

Discussion only - no business conducted.

Discussion centered on the following points:

a. actual dollar amounts in Village accounts

Trustees Cousins and Gregory entered the meeting at this point - 8:30 P.M.

b. format for budget presentation, i.e. line items/budget narrative

c. time frame for month end closing on books

d. possibility of Village manager providing Council with narrative of budget processes

The workshop adjourned at 9:45 P.M.

Respectfully submitted,



Donna L. Fisher
Village Clerk

12-14-92 King approved

PUBLIC NOTICE

The Village Council will hold a work session on Monday, November 30, 1992, 8:00 P.M., First of America Bank Building, 8123 Mian Street, for the purpose of discussion of the Village budget.

No other business will be conducted.

Donna L. Fisher
Village Clerk

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
December 14, 1992
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Philip Arbour Council: J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
Village Manager: M. McCue

PUBLIC HEARING:

1. To Receive Comments Regarding the Leaf Burning Ordinance Amendments
2. To Receive Comments Regarding the Proposed Parking Plan

APPROVAL OF THE MINUTES:

1. November 23, 1992 Regular Village Council Minutes
2. November 30, 1992 Village Council Workshop Minutes

PRE-ARRANGED CITIZEN PARTICIPATION:

None.

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

1. Letter from Laura Leadholm
2. Letter from Ann Arbor Transportation Authority
3. Letter from Mr. Tim Klever
4. Letter from Dexter Area Historical Society

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

Village Manager
Utilities

CONSENT AGENDA:

1. Receive and File DDA Minutes for November 12, 1992
2. Receive and File Planning Commission Minutes of:
 - a. September 21, 1992 Workshop
 - b. October, 19, 1992 Workshop
 - c. November 2, 1992 Regular Meeting
 - d. November 16, 1992 Special Meeting
3. Luminaria Project

OLD BUSINESS:

1. Award of Bid for Early Warning Siren
2. Award of Bid for Public Address System
3. ENACTMENT of Amendments to the Leaf Burning Ordinance
4. Discussion of Parking Plan
5. Discussion on Creation of Mill Pond Task Force
6. Discussion on Dangerous Buildings Ordinance

NEW BUSINESS:

1. INTRODUCTION of Zoning Ordinance Amendments Regarding Day Care Regulations
2. Approval of Contract with Washtenaw County Board of Public Works for Waste Reduction/Recycling Efforts
3. Report from Parks Commission Regarding Huron River Days Project
4. Approval of Contract with the Washtenaw County Sheriff's Department
5. Approval to Set Executive Session to Discuss Personnel Matters

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEMS WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
REGULAR MEETING
DECEMBER 14, 1992

The meeting was called to order by President Arbour at 8:00 P.M. at First of America Bank Building, 8123 Main Street.

Present: Gregory, Gordenier, Rush, Pearson, Arbour

Absent: Cousins, Adams

(Trustee Cousins entered the meeting at 8:06 P.M.)

(Trustee Adams entered the meeting at 10:17 P.M.)

Also present: Village Manager McCue

Public Hearing

1. To Receive Comments Regarding the Leaf Burning Ordinance Amendments

The hearing was opened by President Arbour at 8:02 P.M.

T. Tietsma, property owner at 3225 Central addressed Council stating he supports the banning of leaf burning in the Village. There were no other citizens who wished to speak. The hearing was closed at 8:03 P.M.

2. To Receive Comments Regarding the Proposed Parking Plan

The hearing was opened by President Arbour at 8:03 P.M.

T. Tietsma, 3693 Dancer Road, and property owner at 3225 Central, representing the DDA addressed Council.

(Trustee Cousins entered the meeting at this point)

Mr. Tietsma gave an explanation of the poll taken by the DDA regarding parking in the downtown area, stating the general consensus was that more parking is needed and that a majority of respondents (24 of 25) believe dollars should be spent to accomplish that end.

N. Walker, 7901 Ann Arbor Street, stated she believes Council has created parking problems by granting variances, asking why the Village should pay the Sheriff's Department to tag cars, and that business employees are taking up long term parking spaces and that employers should tell employees to park elsewhere and not in front of residences.

There were no other citizens who wished to speak. The hearing was closed at 8:25 P.M.

Approval of Minutes

Moved Gordenier, support Gregory to approve the minutes of the November 23, 1992 regular meeting as presented.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

Moved Gordenier, support Gregory to approve the minutes of the November 30, 1992, workshop as presented.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

Approval of Agenda

Added under Consent Agenda Item 3. Luminaria Project

Added under New Business Item 5. Set Executive Session to Discuss Personnel Matter

Moved Cousins, support Gordenier to approve the agenda as amended.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

Non-Arranged Citizen Participation

D. Cynar, 3615 Cushing Court, made comments regarding the Planning Commission meeting of December stating his belief that Commissioner Hansen's involvement was in conflict of interest, he objected to the way he was treated by Commissioner Bishop, he believed that discussion of his issue took place after the meeting, and that the adjournment issue was possibly a violation of his right to due process.

W. Steptoe, 7250 Dan Hoey Road, expressed concerns he had regarding the Planning Commission meeting stating he believed a commissioner's behavior was out of line and that he should be taken off the Commission or punished and stating he wished to make complaint about Liaison Rush, that he should sit at the table with the Commissioners.

V. Michael, 3629 Cushing Court, made general remarks about encouraging small business in Dexter and requested the Council take another look at Mr. Cynar's request to get his problems resolved.

Communications

1. Letter from L. Leadholm
2. Ann Arbor Transportation Authority
3. Letter from T. Klever
4. Dexter Area Historical Society
5. Letter from B. Waggoner

Approval of Bills and Payroll

Moved Gregory, support Pearson to approve bills and payroll costs in the amount of \$73, 884.06.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

Reports

Village Manger - Council received written report. Copy filed with minutes.

Moved Cousins, support Rush to refer the request by the Fire Fighters for approval to construct two ice rinks to the Parks Commission for recommendation to Council.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

Council requested the Village Manager bill the Cottage Inn for costs incurred by the Village in the removal of the cement improperly placed on Village property at Monument Park.

Utilities - Council received written report.

Consent Agenda

1. Receive and file DDA minutes for November 12, 1992
2. Receive and File Planning Commission minutes of:
 - a. September 21, 1992 Workshop
 - b. October 19, 1992 workshop
 - c. November 2, 1992 Regular Meeting
 - d. November 16, 1992 Special Meeting
3. Luminaria Project

Moved Gordenier, support Gregory to approve the three items listed on the consent agenda.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

Old Business

1. Award Bid for Early Warning Siren

Moved Gordenier, support Gregory to award the bid for early warning siren to Winder Police Equipment of Dearborn, Michigan, in the amount of \$12,855.88 and \$300 for the radio/crystal, with these funds to be allocated in the FY 1993/94 budget, General Fund, Civil Defense, Capital Outlay, Account #101-426-977.000.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

2. Award Bid for Public Address System

Moved Gregory, support Pearson to award the bid for public address system to N.S.C. Inc., of Ann Arbor, in the amount of \$1,272 with funds to be derived from general Fund, Village Manger/Administrative, Capital Outlay-Equipment, Furniture, Fixtures, Account #101-172-977.000.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

3. Enactment of Amendments to the Leaf Burning Ordinance

Moved Rush, support Gregory to adopt the resolution amending the Solid Waste Management Ordinance as presented; Amend Article VI, Paragraph C. (Copy filed with minutes)

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

Moved Gordenier, support Pearson to adopt the resolution Amending the Solid Waste Management Rules. (Copy filed with minutes)

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

4. Discussion of Parking Plan

Moved Cousins, support Gordenier to adopt the Parking Plan as proposed by the DDA. (Copy filed with minutes)

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

5. Discussion of Creation of Mill Pond Task Force

Moved Gordenier, support Gregory to establish a Mill Pond Task Force Committee.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

President Arbour appointed Trustee Gregory as Council representative to the Committee.

6. Discussion of Dangerous Buildings Ordinance

No action taken.

New Business

1. Introduction of Zoning Ordinance Amendment Regarding Day Care Regulations

Moved Cousins, support Pearson to set a public hearing for the purpose of taking public comment on Zoning Ordinance Amendment regarding Day Care regulation for January 25, 1993, 8:00 P.M., First of America Bank Building.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

2. Approval of Contract with Washtenaw County Board of Public Works for Waste Reduction/Recycling Efforts

Moved Gordenier, support Pearson to enter into the contract with the Washtenaw County Board of Public Works with the Village President as authorized signator. (Copy filed with minutes)

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

3. Report From the Parks Commission Regarding Huron River Days Project

Parks Chair Luton gave oral report.

4. Approval of Contract with Washtenaw County Sheriff's Department

Moved Rush, support Gregory to enter into the contract with the Sheriff's Department for \$208,388 and \$12,000 milage. (Copy filed with minutes)

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

5. Approval to Set Executive Session to Discuss Personnel Matters

Moved Gordenier, support Gregory to set an executive session to follow the Non-Arranged Citizen Participation section at the end of the meeting for the purpose of discussion of personnel matters.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Motion Carried

President's Report

Mr. Arbour suggested letters of appreciation be sent to the fire fighters thanking them for their efforts in decorating the Village and to the D.P.W for prompt installation of the new Jefford's Street sign.

(Trustee Adams entered the meeting at this point - 10:17 P.M.)

Non-Arranged Citizen Participation

W. Steptoe, 7250 Dan Hoey, re-emphasized comments he made earlier in the meeting.

J. Rush, 7930 Fifth Street, addressed Council speaking as a citizen, and one who attends Planning Commission meetings on a regular basis, stating that in light of the many negative comments made regarding the Planning Commission and its meetings, he wished to state his opinion that the present Commission members work hard to accommodate the requests of those citizens who come before it with requests for various permits and that the Commission works with a positive attitude.

The Council moved into executive session at this point - 10:25 P.M.

Moved Cousins, support Gordenier to move into regular session at 10:41 P.M.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour, Adams.

Nays: None

Motion Carried

Adjournment

Moved Gordenier, support Gregory to adjourn the meeting at 10:42 P.M.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour, Adams

Nays: None

Motion Carried

Respectfully submitted,

Donna L. Fisher

Donna L. Fisher, Village Clerk

Filing Approved 12-28-92

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS
DECEMBER 14, 1992

BILLS DUE (PAGE 1 & 2)	\$ 49,312.53
PAYROLL COSTS (PAGE 3 & 4)	23,460.97
HAND CHECKS (PAGE 2)	110.56
INDUSTRIAL PARK FUNDS (PAGE 2)	<u>1,000.00</u>
TOTAL BILLS AND PAYROLL COSTS EXPENDED ALL	
FUNDS	\$ 73,884.06

VILLAGE OF DEXTER COUNCIL PROCEEDINGS
BILLS CONTINUED:

DATE: DECEMBER 14, 1992

PAGE 2

MI BELL-426-4572	VARIOUS	319.60						
" " -426-8530	441-853	68.59	68.59				213.06	106.54
" " -426-8303	172-853	165.94	165.94					
MICHcon/8140&8050 MAIN	VARIOUS	832.25	832.25					
" "/8360 HURON	548-920	723.49					723.49	
MICHIGAN SECTION AWWA	556-965	95.00						95.00
MI STATE UNIVERSITY	556-965	40.00						40.00
" " "/McCUE	172-901	17.00	17.00					
MUNICIPAL SUPPLY CO.	556-937	360.50						360.50
PARTS PEDDLER	VARIOUS	120.78	120.78					
PINCKNEY DOOR SALES	265-935	227.50	227.50					
R.A.K. INDUSTRIES	441-740	272.84	272.84					
RAM COMM OF MI	441-853	37.00	37.00					
RECYCLE ANN ARBOR	528-81602	72.30	72.30					
ROTO ROOTER SEWER	548-826	190.00					190.00	
SCIO ELECTRIC SERVICE	265-935	52.50	52.50					
SERVICE SPECIALISTS OF AM	548-937	514.50					514.50	
SHARE CORP.	556-751	92.24						92.24
THOMPSON-MCCULLY	5548-74001	82.60					82.60	
UMSTEAD MANUFACTURING CO	441-937	174.00	174.00					
UTILITIES INST. SERV.	556-937	150.00						150.00
YENSCH,SUSAN-WA REF.	000-255	35.00						35.00
WEARGUARD	VARIOUS	1,317.95					792.95	525.00
TOTALS		49,312.53	41,071.90	706.24	686.40		3,240.84	3,607.15

HAND CHECKS ISSUED:

PAYEE-EXPLANATION	CODE	AMOUNT
MI DEPT OF STATE/LICENSE VAN	590-548-956	\$ 10.00
U.S. POSTAL SERVICES/UTILITY BILLS	590-548-727	100.56
TOTAL		\$ 110.56

CONSTRUCTION AND ENGINEERING BILLS:

PAYEE-EXPLANATION	CODE	AMOUNT
B & V CONSTRUCTION, INC.	101-445.000-974.010	\$1,000.00

PAYEE-EXPLANATION	TOTAL	101 GENERAL	206 FIRE	202 MAJOR ST.	203 LOCAL ST.	590 SEWER	591 WATER
<u>PAYROLL COSTS - NOVEMBER 21, 1992</u>							
FERN JACKSON	721.72						
JANET C. KARVEL	596.24						
MICHAEL J. MCCUE	971.14						
LARRY N. WAGNER	450.93						
MARY ANN LAMKIN	305.28						
KURT J. AUGUSTINE	540.79						
KEITH L. KITCHEN	631.06						
PATRICK A. MCKILLEN	797.90						
BRUCE T. WHITLEY-V.T.							
THOMAS C. DESMET	954.23						
ANDREA M. DORNEY	482.52						
EDWARD A. LOBDELL=V.T & S.L.							
DANIEL L. SCHLAFF	356.97						
LARRY C. SEBRING	474.18						
TROY MALONEY	123.34						
TOTALS	\$7,406.30						

PAYROLL COSTS - NOVEMBER 28, 1992

FERN JACKSON	672.57
JANET C. KARVEL	363.72
MICHAEL J. MCCUE	582.67
LARRY N. WAGNER	225.46
MARY ANN LAMKIN	122.11
KURT J. AUGUSTINE	296.87
KEITH L. KITCHEN	412.74
PATRICK A. MCKILLEN	478.75
BRUCE T. WHITLEY	330.82
THOMAS C. DESMET	572.54
ANDREA M. DORNEY	361.89
EDWARD A. LOBDELL	442.03
DANIEL L. SCHLAFF	594.95
LARRY C. SEBRING	406.44
TROY MALONEY	185.01
TOTAL	6,048.57

PAYROLL COSTS CONTINUED

FERN JACKSON	612.17
JANET C. KARVEL	581.04
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	351.07
KURT J. AUGUSTINE	601.29
KEITH L. KITCHEN	376.83
PARTICK A. MCKILLEN	797.90
BRUCE T. WHITLEY	506.15
THOMAS C. DESMET	763.39
ANDREA M. DORNEY	603.16
EDWARD A. LOBDELL	736.72
DANIEL L. SCHLAFF	594.96
LARRY C. SEBRING	541.92
JANET KARVEL/	
IN-LIEU-HEALTH/DENTAL INS	1,216.80
TOTAL	10,006.10

TOTAL PAYROLL COSTS - \$23,460.97

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: DECEMBER 14, 1992

101

202

203

590

PAGE 1
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PAYEE-EXPLANATION	CODE	TOTAL	GENERAL	MAJOR ST	LOCAL ST.	SEWER	WATER
ARBOR SPRINGS	172-956	19.00	19.00				35.00
ARNOLD, KELLY-WA REFUND	000-255	35.00					
AT&T CSC	548-853	19.90				19.90	
" "	172-853	17.88	17.88				
BOULLION SALES	441-937	46.00	46.00				
CALLENDER & DORNBOS	474-740	503.40		503.40			
CARPENTER HARDWARE	VARIOUS	54.51	54.51				
CARRIER & GABLE, INC	474-740	133.34		133.34			
CONTRACTOR PUBLISHING	751-901	74.38					
CONTRACTORS TOOL, INC.	474-740	69.50		69.50			
CROWNOVER	474-740	686.40			686.40		
D&C PLUMBING/HEATING CO	VARIOUS	132.77	22.22			93.63	16.92
DETROIT EDISON							1,695.59
3620-3676CENT/WA TOW	556-920	1,695.59					
CW LIFT STA	548-920	29.69				29.69	
8014;7982;8140;8050MAIN-	VARIOUS	548.46	548.46				
DEXTER AREA FIRE DEPT.	336-806	17,097.16	17,097.16				
DEXTER OFFICE SUPPLY	VARIOUS	80.57	60.20			20.37	
DEXTER PHARMACY	548-740	11.15				11.15	
DEXTER, VILLAGE OF	VARIOUS	37.08	29.73			7.35	
DOUBLEDAY BROS & CO	215-727	53.60	53.60				
DUSTERHOFT, DANE-WA REF.	000-255	35.00					35.00
DYKEMA/GOSSETT-10/92	101-803	3,197.42	3,197.42				
" " BAL DUE 9/92	101-803	1,555.00	1,555.00				
GRAINGER	VARIOUS	955.65	98.68			488.30	368.67
GRANT'S AUTO & TRUCK REP	441-937	422.29	422.29				
GREAT LAKES OFFICE/COPIES	172-956	97.05	97.05				
HACH	548-743	53.85				53.85	
HACKNEY ACE HARDWARE	VARIOUS	89.80	38.11				51.69
JOHN'S SANITATION	751-941	130.00	130.00				
KOCH & WHITE HEATING	265-935	217.10	217.10				
LAVONNE'S CLEANING 11/92	265-935	140.00	140.00				
LEN'S RUBBISH/11-92CONT	528-816	10,678.67	10,678.67				
" " /RECYCLE	528-816020	1,638.36	1,638.36				
LONG, CLARK & BAKER	101-803	187.00	187.00				
MCCUE/REIMB MILEAGE	172-861	16.80	16.80				
MCKENNA ASSOCIATES	400-825	2,397.78	2,397.78				
MASTERLEASE/COPIER	172-977	193.80	193.80				

RECEIVED DEC 3 1992

To: Dexter Village Council Members, Village President, Village Manager

From: Tim Klever 

Date: December 2, 1992

Re: Lack of an adequate sidewalk system from the schools to various portions of the village

(Enter into public record)

Attached is a map which shows that there is a need to extend the sidewalk system so that Dexter school children are provided with a safe path to walk from the schools to their homes.

Since the council will soon be tackling future budget matters it seems that some consideration is due this matter.

Having young children, who walk home from school, I am concerned that their safety as well as any other childrens safety who lives on the far side of the village is being compromised because of this lack of an adequate sidewalk system.

The danger of this situation increases in the winter when children my content for footspace on the slippery streets with vehicles.

This matter has been brought to the attention of past councils which each new development. Cottonwood was a point in case as well as Walkabout Creek.

Money to repair existing sidewalks seems to be available.

Putting a system in place that will serve the entire community is an appropriate expenditure of funds.

In some cases linking new with existing would solve some problems.

The industry and development that have brought into the village has increased traffic, as well as population in the school system.

From a planning standpoint these infrastructure needs should be considered and planned for when growth is expected.

Regarding my public comment at the council meeting on Monday November 23, 1992.

I believe that Mr. Rush became quite adamant in his wish that I single out individuals when I made my Nov. 23 statement, as well as when I have made statements to council in the past. He feels I am making unsubstantiated statements. Simply reading your zoning report for names, in this case, will give you individuals involved if that's what your looking for.

I would like to repeat, what I have now stated several times. I do not come before council to bring forth certain individuals as zoning violators or persons that have violated the public trust, even though this may be fact. If and when I feel it is appropriate and necessary to getting my point across I will include names.

Mr Bishop, as the following speaker on the 23rd and a member of the Planning Commission jumped on Mr. Rush's wagon and alluded to the fact that I must be there to call you people crooks. I guess this points out his prevailing attitude toward people who bring questions to council or the planning commission. I can not be responsible for the paranoia that occurs if some of these issues strike close to home for certain individuals.

ONE ONLY NEEDS TO LISTENS TO WHAT I AM SAYING TO UNDERSTAND I AM IN FACT THERE TO QUESTION THE PROCESS.

My statement regarding elected officials receiving special treatment from the village manger on zoning violations is in fact a concern regarding this lack of following proper procedure. There is no reason to name individuals.

The procedure is clearly stated in the village zoning ordinance on this matter.

Our ordinance allows for a zoning administrator.

This gives specific administrative duties to that position which can not be delegated to the village manager or any other official except when the position is vacated due to a change in employment.

The reason behind this can best be stated as follows.

2.

"The credibility of successful zoning lies not only in the ability to administer it reasonably and fairly, but in the ability to enforce zoning requirements when violations occur."

Please read public act 207 and 285.

This administrative function of the zoning ordinance is delegated to the zoning administrator not the MAYOR OR MANAGER of a municipality.

I believe that you remove this clause of "reasonably and fairly" when the manager usurps these duties. In the case where elected officials, with possible ordinance violations, are singled out for alternate treatment from what the general population receives. This method of enforcement lends a credibility to anyone who wishes to challenge the process of how zoning violations are enforced in the village. This in turns creates problems for all future enforcement.

I also pointed out the matter of the sidewalk provisions of the Cottonwood development. This is an issue that has been left unresolved by previous councils and managers.

I feel that you as elected officials of the village have the duty to resolve this matter. There is documentation on file about this issue. Promises by developers and business need to be met.

The Kingsley water use fiasco. This, I pointed out as having some far reaching financial implications on the village. I ,as a citizen, am concerned that my tax dollars have been obligated to pay for a new well to serve individuals outside the village.

I expect that you are talking with Scio Township about the possible impact it will have on their master plan and what can be done to minimize the impact of this agreement.

The Kingsley agreement was signed in May of 1990. I can't believe that this agreement was not discussed prior to 1990.

I do know that a previous village manager discussed this property as a possible site for the Phillips Plant with me when I was on I was on council.

3.

Given the fact that an election took place on March 8, 1990, where a new president and council members took office. It is hard for me to believe that in such a short span of time, three council meetings, that such an agreement was signed sealed and delivered without any discussion prior to March 8, 1990. Maybe this is the reason it is such a fiasco if it was done in such a short period of time.

You, as a council, did approve the continuation of the Blanchard P.U.D. and have approved the site plan for the Equitable strip mall.

I think it is quite evident past improper and illegal zoning took place on these properties.

You have documentation to examine in the office regarding these issues.

I am naming this council as the one who should address these issues.

The point I made last night was that these above unresolved issues occur over and over in the village. You either fix them or pass them on. So you see I have only pointed out the lack of a good process for following through or a failure to follow a process.

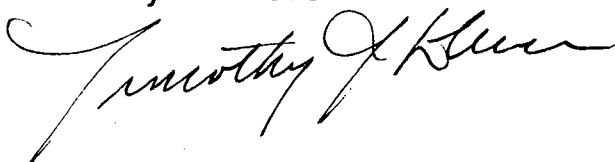
Certain people have served on village commissions or council positions for many years, some for long uninterrupted times.

In the future I would request that Mr. Rush call me at home for names if that's what he wants. His continuing efforts to badger me and allude that my information is unverified are not appreciated. If he can find anything I have said as unverifiable I am more than willing to stand corrected. What he has said about my letters and comments are in itself unsubstantiated.

Again I thank you for your time. If you have questions or concerns, I am always willing to chat.

Please copy to all and enter into the public record at next meeting

Timothy J. Klever

A handwritten signature in cursive script, appearing to read "Timothy J. Klever", written in dark ink.

To: Dexter Village Council

Date: November 23, 1992

I would like the following read out loud at the December 14, 1992 public meeting, as I am unable to attend the meeting.

Please ban leaf burning in the Village of Dexter. I have asthma and on the days that Village residents burn leaves it is extremely difficult for me to breathe.

Thank you.

Laura J. Leadholm

Laura J. Leadholm
7930 Third Street
Dexter, MI 48130

M E M O R A N D U M

TO: Village President and Village Council

FROM: Michael J. McCue, Village Manager

RE: Manager's Report

DATE: December 11, 1992

Parking Meters Removed

As you may have noticed, the parking meters downtown have been removed. They are available for sale as a holiday gift for \$20. They make a great stocking stuffer! There are still some available if you are interested.

Facilities Committee Update

The Facilities Committee has met and is developing their final report to bring to Council. It is expected that the report will be presented at the December 28, 1992 meeting or at the first meeting in January.

Leaf Vacuum Purchase Update

I have been able to purchase the leaf vacuum at the City of Wixom for \$13,500. They will deliver it to us in the next couple of weeks and will provide some basic operating instructions. In addition, they are willing to wait for the check after March 1, 1993.

Jeffords Avenue Sign

The sign is up and in place! The processional for Col. Jeffords went very well.

Body Armour for Sheriff's Deputies

The soft body armour for the sheriff's deputies have finally arrived. I will be seeking reimbursement from the Michigan Municipal League for the money the Village fronted.

Michigan Department of Transportation Funds

We have received our share of funds from the Build Michigan program created by Gov. Engler. This \$600 is distributed to our local and major street funds for our use. These payments will continue to arrive on a quarterly basis.

Monument Park Plans

Plans and specifications have been let for this project. Bids will be opened January 4, 1993 and will be awarded at the January 11, 1993 Village Council meeting. It is hoped that we will have a wider range of bidders on this project because it was advertised in *Michigan Contractor*.

V-Tech IFT Update

I have still not received word from the State Tax Commission staff member regarding the IFT revocation questions. I intend to call him

directly if no answer is gained. In addition, I plan to discuss our course of action with our state legislators on this matter.

Cottage Inn Update

I received a phone call from Sam Roumanis, president of Cottage Inn, last week. He indicated to me that they will do no more work (other than minor clean-up) on the curb. Therefore, the Village will remove the existing work as per the Village Engineer's recommendation. Construction of a curb is included in the current Monument Park specifications.

Ice Skating Rink

Trustee Adams indicated to me that he, along with other firefighters, were willing to erect and maintain two ice skating rinks for the Village: one at Monument Park, the other at Warrior Creek Park. I have checked with our insurance company and they indicated that we are covered for any liability arising from the ice skating rinks. However, they did suggest that we post appropriate regulatory signs at each of the rinks. If you have any comments, please let me know.

Village Entrance Sign Committee

A design has been completed for review by the Committee. A meeting is planned for mid-January to begin discussions on the preliminary proposal. I will inform you of more details when they become available.

McKenna Associates Fee

McKenna Associates, the consultant working the Master Plan and Zoning Ordinance update, have gone \$400 over budget on the "current problems" aspect of their work. This was due to the extensive work required on the Right-of-Way Ordinance. They expect that it will take between \$200 and \$400 to complete the Ordinance. I would recommend that they finish the ordinance. However, I would like your comments on this matter.

Happy Holidays

Since this is the last meeting before the holidays, I would like to wish all of you the happiest of holidays and a very prosperous and happy new year.

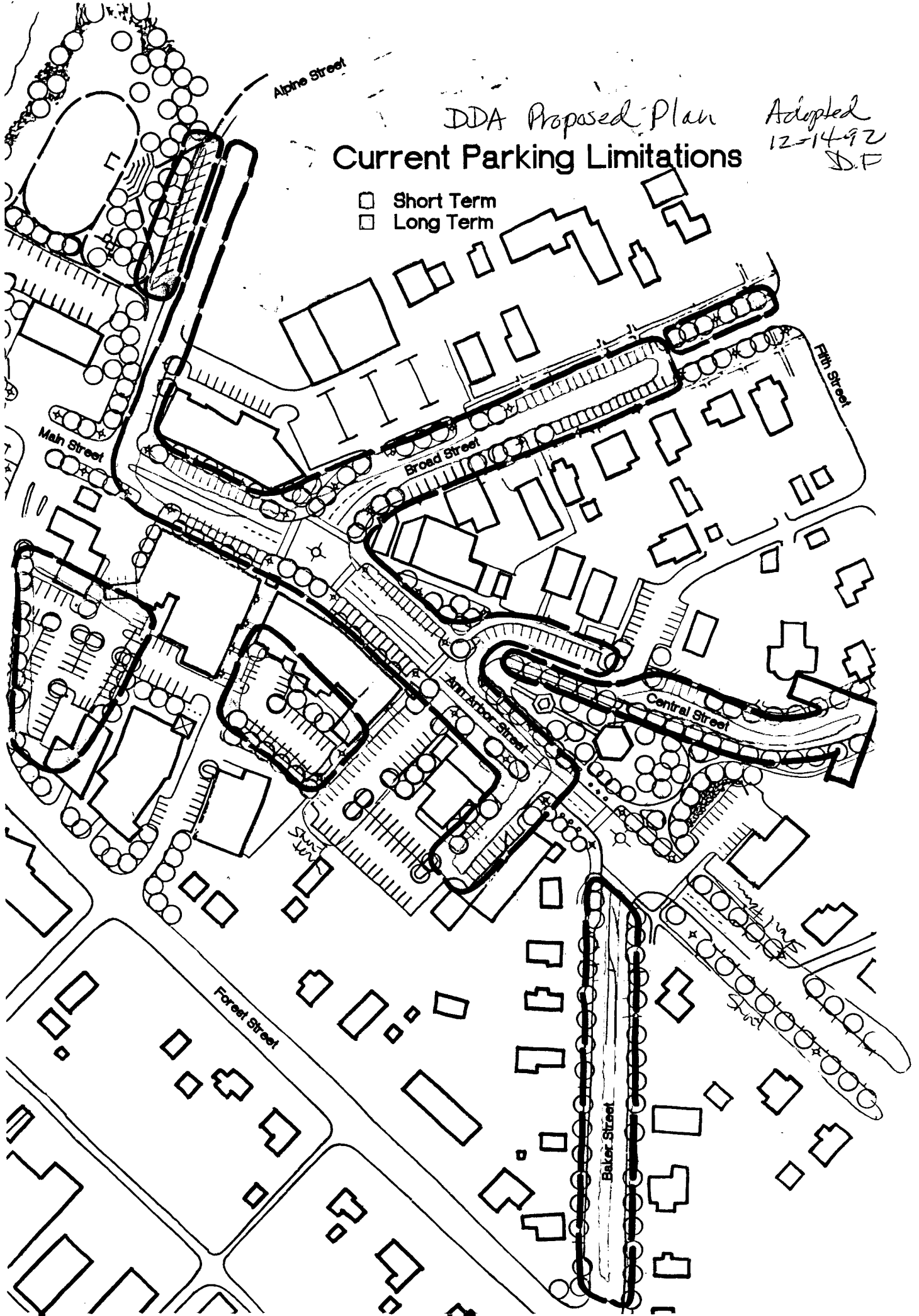
Parting Thought

"A man who does not think for himself does not think at all"
-- Oscar Wilde

DDA Proposed Plan
Current Parking Limitations

Adopted
12-14-92
D.F.

- ☐ Short Term
- ☐ Long Term



WASHTENAW COUNTY - DEXTER VILLAGE

LAW ENFORCEMENT SERVICES CONTRACT

THIS AGREEMENT, entered into this ____ day of _____, 19__, by and between WASHTENAW COUNTY, hereinafter identified as the County; the WASHTENAW COUNTY SHERIFF'S DEPARTMENT, hereinafter identified as "Sheriff" and DEXTER VILLAGE, hereinafter identified as "Village".

WITNESSETH:

WHEREAS, the parties desire to enter into a contract whereby the Sheriff will provide law enforcement services within the boundaries of the Village and to set forth the terms, conditions, and obligations of the parties.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, it is mutually agreed as follows:

ARTICLE I SCOPE OF SERVICES

The Sheriff agrees to keep three and one-half (3.5) deputies plus patrol equipment for law enforcement services within the boundaries of the Village for one hundred percent of the deputies' time every month in accordance with a mutually agreed schedule.

ARTICLE II COMPENSATION

A. The Village shall pay to the County the sum of Two Hundred Eight Thousand Three Hundred and Thirty-Eight Dollars (\$208,338) for law enforcement personnel who shall provide law enforcement services within the Village boundaries in accordance with the terms and provisions of this contract, said sum to be paid as follows on or before the 10th day of each month following the month for which the service was rendered:

Twelve (12) consecutive months beginning January 1, 1993, in equal monthly installments of Seventeen Thousand Three Hundred Sixty-One and 46/100 Dollars (\$17,361.46).

B. The Village shall pay to the County 33 cents per mile driven pursuant to this contract. The Sheriff shall provide the Village with a monthly billing showing the number of miles driven and the amount due therefore. The Village shall pay that amount on or before the 10th day of each month following the month during which the miles were driven.

C. The Village shall be responsible for any additional costs attributable to this contract which the County may incur during the term hereof due to any new union contract between the County, the Sheriff and the Police Officers' Association of Michigan, or their successors in interest, to cover the salary and fringe benefits to deputies who shall provide law enforcement service within the boundaries of the Village in accordance with the terms of this contract.

ARTICLE III INSURANCE

It is understood and agreed that the County will maintain at its own expense during the term of this contract, the following insurance:

1. Workers' Compensation Insurance and Michigan statutory limits and Employers Liability insurance with a minimum limit of \$100,000 each accident or any employees.
2. Comprehensive General Liability Insurance with a combined single limit of \$1,000,000 each occurrence for bodily injury and property damage. Policy includes personal injury coverage.
3. Automobile liability insurance covering all owned, hired and non-owned vehicles with Personal Protection insurance and Property Protection insurance to comply with the provisions of the Michigan No Fault Insurance Law, including residual liability insurance with a minimum combined single limit of \$1,000,000 each accident for bodily injury and property damage.
4. Police Professional Liability coverage with a minimum of \$500,000 each occurrence.

The Village will be additionally insured on the County's coverages for general and police liability. The County will submit a certificate of insurance evidencing such coverages to the Village Clerk prior to

implementation of services under the contract. Each party to this contract shall be responsible for the acts and omissions of its employees and agents.

It is further agreed that all Deputies who serve pursuant to this contract remain employees of the County for all purposes.

ARTICLE IV CONFERENCES

All parties hereto agree to hold special conferences upon the request of any of the parties to resolve problems that may arise in the enforcement of this contract. Any portion of this contract that may be unclear during the term of operation may also be clarified by interpretations at said special conference meetings.

ARTICLE V NON-DISCRIMINATION

Both parties agree not to discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, except as a bona fide occupational qualification, because of race, creed, sex, sexual preference, color, religion, national origin, ancestry, handicap, age, marital status, height, weight, veterans status, or political belief, or other criteria made illegal by State, Federal or local laws. Breach of this covenant may be regarded as material breach of contract.

ARTICLE VI TERMINATION

This contract may be terminated without cause by any of the parties hereto upon thirty (30) calendar days written notice to all the other parties to this contract.

ARTICLE VII TERM

The term of this contract shall be for one year beginning January 1, 1993, and continue through December 31, 1993, subject to article VI and as further provided herein.

ARTICLE VIII EXTENT OF THE AGREEMENT

This contract together with the Letter of Agreement between the Sheriff and the Village represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations or agreements between the parties either written or oral. This contract may only be amended by written instrument signed by all of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

DEXTER VILLAGE

By: _____
Donna L. Fisher, Clerk

By: _____
Philip Arbour, President

WASHTENAW COUNTY

By: _____
Ronald J. Schebil
Washtenaw County Sheriff

By: _____
Larry J. Brown
Washtenaw County Administrator

APPROVED AS TO FORM BY CORPORATION
COUNSEL.

ATTESTED TO:

By: _____
Peggy Haines
Washtenaw County Clerk/Register

LE.DEX

A Resolution Amending the Solid Waste Management Rules

Whereas, the Village of Dexter has adopted an Ordinance for the Comprehensive Management of Solid Waste in all its forms, it is vital to the proper implementation of said Ordinance that the following Rules and Regulations be amended in accordance with Article VII thereof:

7) The tenant, lessee, or occupant of any building shall, at all times, maintain said premises in a clean and orderly condition, permitting no deposit or accumulation of waste materials other than those ordinarily attendant upon day-to-day use for which said premises are legally for.

8) It shall be unlawful for any person other than the tenants or occupants of the premises in which receptacles or refuse are stored or kept, or the regularly-authorized agents, employees, or representatives of the Village, to disturb any solid waste receptacles or to remove their covers or any of the contents thereof or cause such receptacles or their contents to be scattered or strewn on any property, public or private. All solid waste materials shall be set out in a manner consistent with the provisions of this ordinance on days designated for their collection. Waste receptacles placed at street edge or other designated collection location shall be properly removed therefrom by such tenant or occupant after same shall have been properly emptied.

Moved by Trustee Gordenier, supported by Trustee Pearson, to approve the above resolution amending the Solid Waste Management Rules.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arbour

Nays: None

Abstain: None

Absent: Adams

This resolution declared adopted this 14th day of December, 1992.

Donna L. Fisher
Donna L. Fisher
Village Clerk

Moved by Trustee Rush, supported by Trustee Gregory, to approve the amendments the Solid Waste Management Ordinance.

Ayes: Gregory, Gordenier, Rush, Cousins, Pearson, Arthur

Nays: None

Abstain: None

Absent: Adams

This ordinance declared adopted this 14th day of December, 1992.

Donna L. Fisher

Donna L. Fisher
Village Clerk

The following are the changes to ban leaf burning: Amend Article VI, Paragraph C to read:

It shall be unlawful for any person to dispose of any solid waste via incineration, cremation, or open burning in the Village, unless such incineration, cremation, or open burning is accomplished in accordance with the provisions of an approved permit or license issued for same by the State of Michigan, and providing such process produces no air pollution in excess of State, County, or local standards and requiring that any resultant ash or residue be properly transported to and disposed of in a licensed landfill therefore. It shall be unlawful for any person to burn any such compostable material on any public asphalt, concrete, or bituminous-composite street or lot.

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
December 28, 1992
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Philip Arbour Council: J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
Village Manager: M. McCue

PUBLIC HEARING:

None.

APPROVAL OF THE MINUTES:

1. December 28, 1992 Regular Village Council Minutes

PRE-ARRANGED CITIZEN PARTICIPATION:

None.

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

1. Letter from Clear Cablevision
2. Letter from EMU Living History Class
3. Letter from Tim Klever

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

Village Manager
Sheriff's Department

CONSENT AGENDA:

None.

OLD BUSINESS:

- ## 1. Approval of Ice Skating Rinks

NEW BUSINESS:

1. INTRODUCTION of Sidewalk Ordinance
2. INTRODUCTION of Amendment to Parking Violations and Penalties Ordinance
3. INTRODUCTION of Parking Violations Bureau Ordinance

4. Set Executive Session to Discuss Personnel Matters

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEMS WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
DECEMBER 28, 1992
REGULAR MEETING

The meeting was called to order at 8:00 P.M. by President Arbour at First of America Bank Building, 8123 Main Street.

Present: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Absent: Pearson

Also present Village Manager McCue

Approval of Minutes

Moved Gordenier, support Gregory to approve the minutes of the December 12, 1992 regular meeting as presented.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

Approval of Agenda

Moved rush, support Gregory to approve the agenda as presented.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

Non-Arranged Citizen Participation

The following citizens addressed Council:

W. Steptoe, 7250 Dan Hoey Road, stated he was quite disappointed as to what happened regarding the employment status of M. Lamkin and requested his comment be in the minutes.

D. A. Cynar, read from a letter addressed to President Arbour, (copy filed with minutes) expressing his dismay with things that occurred at a Planning Commission meeting hearing held for a piece of property he owns at 7880 Second street and making a request for information regarding property at the end of Third Street.

T. Klever, 3580 Hudson Street, made positive statements regarding the performance of zoning administrator Lamkin, stated his opinion regarding the suspension of Ms. Lamkin, and stated he had a letter dated February 1990 from former zoning inspector L. Lemble.

V. Michael, 3649 Cushing Court, made statements regarding the reinstatement of Ms. Lamkin, he and Mr. Cynar's getting the school board to admit illegal action, and the meaning of the word collusion and people getting jobs they shouldn't and keeping it when they shouldn't, ie Kingsley property.

Communications

Included in the packet -

1. Letter from Clear Cablevision
2. Letter from EMU Living History Class
3. Letter from T. Klever (copy filed with minutes)

Distributed to members of Council were -

1. Letter from B. Waggoner
2. Letter from M. Lamkin to B. Waggoner

Approval of Bills and Payroll

Moved Gregory, support Gordenier to approve bills and payroll costs in the amount of \$44,094.50.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

Reports

Village Manager - Council received written report (Copy filed with minutes)

Sheriff - Sgt. Steilow presented the November report.

Old Business

1. Approval of Ice Skating Rinks

Moved Gregory, support Adams to approve the Parks Commission recommendation to allow the Dexter Area Firefighters to create two skating rinks, figure skating only at Monument Park with hours of operation to be 8 A.M. to 10 P.M., and hockey at Warrior Creek Park from 8 A.M. to midnight with this request for 1992-93 winter only.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

New Business

1. Introduction of Sidewalk Ordinance

Moved Gregory, support Cousins to set a public hearing for the purpose of taking public comment on the proposed Village of Dexter Sidewalk Ordinance for January 25, 1993, 8:00 P.M., at First of America Bank Building.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

2. Introduction of proposed Amendment to Parking Violations and Penalties Ordinance

Moved Gordenier, support Gregory to set a public hearing for the purpose of taking public comment on the proposed Amendment to Parking Violations and Penalties Ordinance for January 25, 1993, 8:00 P.M., at First of America Bank Building.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

3. Introduction of Parking Violations Bureau Ordinance

Moved Gordenier, support Gregory to set a public hearing for January 25, 1993, 8:00 P.M., First of America Bank building for the purpose of taking public comment of the proposed Parking Violations Bureau Ordinance.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

4. Set Executive Session to Discuss Personnel Matter

Moved Rush, support Cousins to set an executive session to

follow the non-arranged citizen participation portion at the end of the meeting for the purpose of discussion of the employment status of M. Lamkin, zoning inspector.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

President's Report

President Arbour informed Council of a meeting of elected officials to be held in Saline, Mi. Contact him if someone wishes to attend.

The Village has received an invitation to a town meeting February 11, 1993, dealing with the future of the auto industry and manufacturing in Washtenaw county sponsored by Washtenaw Community College.

Non-Arranged Citizen Participation

M. Lamkin rescinded her request for a closed executive session at 8:45 P.M.

Council continued with the meeting.

Ms Lamkin began to address the Council making statements regarding her employment status in the Village.

S. Schwartz, legal counsel to the Village from the firm of Dykema Gossett came to the council table.

Ms Lamkin stated she wished to have her legal counsel present during her presentation. Council agreed to postpone the subject until her legal representative could be in attendance.

Moved Gordenier, support Gregory to adjourn the section of the meeting, New business Item 3 Discussion of Personnel Matters, at 9:00 P.M. to be rescheduled for Monday January 4, 1993, at 8:00 P.M. at First of America Bank.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

Adjournment


Moved Gregory, support Gordenier to adjourn the meeting at 9:07 P.M.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: None

Motion Carried

Respectfully submitted,


Donna L. Fisher
Village Clerk

Filing approved 1-11-93 ^{AK}

DAVID A. CYNAR
3615 CUSHING COURT
DEXTER, MICHIGAN 48130
(313) 426-8300

December 28, 1992

Mr. Philip Arbour, President
Village of Dexter
8140 Main Street
Dexter, Michigan 48130

Dear Mr. Arbour:

At the last Village Council meeting I appeared before you and the Council expressing my dismay with a number of things that occurred at a recent planning commission hearing held for a piece of property I own at 7880 Second Street.

At that meeting I had asked commission member Mrs. Sandra Hansen and wife of the Superintendent of Dexter Community Schools Mr. John Hansen to abstain from any discussion and voting at that meeting. Her husband is presently being investigated as a result of my involvement for a number of improprieties and possible illegal actions and I felt there was a definite conflict of interest. Unfortunately, she chose to ignore my request.

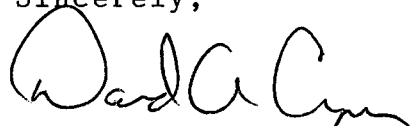
Mr. Paul Bishop also a member of the planning commission was present at that meeting. I was appalled as were others present by his behavior, his rudeness and total disregard for the rights of others, the laws of the Village of Dexter, the State of Michigan and of the United States of America. It would not be too much to ask for his immediate dismissal and ban from any future Village positions, both elected and volunteer.

I believe that at that meeting, my right to a fair and impartial hearing was violated and that my right to due process was also violated in that my planning commission hearing was ended in a way that was not appropriate nor lawful.

I also believe that my rights were violated by you because of your insistence that my vocal request at the last Council Meeting to have my planning commission hearing investigated by the Village Council would not be honored if I did not provide my request in writing.

Finally, I have seen a dirt or earthen berm located on the East side of Dexter-Ann Arbor Rd. and South of Kensington St. at the end of Third Street across the street from a home owned by Mr. Paul Bishop. I would like to know how long the berm has been located there? Were all proper permits requested and granted for its placement? Who authorized its placement? I am requesting Under the Freedom of Information Act to see all information regarding that berm.

Sincerely,



David A. Cynar

December 10, 1992

Michael McCue, Dexter Village Manager
Philip Arbour, President, Dexter Village
All Council Members.

Re: Mary Ann Lamkin, Dexter Zoning Officer

On Wednesday, December 9th, about 9:00a.m. Mrs. Lamkin called my home, talked to my wife asking that I return her call as soon as possible, as it was "very important". I did so at about 9:30 a.m. My call was met by a verbal tornado. Mrs. Lamkin accused me of recommending that she be fired. I responded that when a person complained about her work, I would say, "well, then get rid of her". I had to repeatedly request Mrs. Lamkin to lower her voice and to calm down or I would hang up.

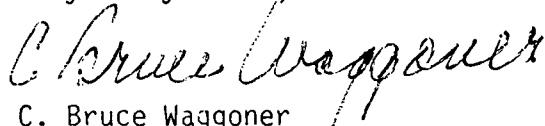
She told me that three persons had said to her that I wanted to have her fired and she wanted to name them. I told her I had no interest in knowing the names. She told me that I was political and had no right to discuss her. I am of the opinion that anyone who votes is political. I also am of the opinion that she is a Village employee and her employment is at the Council's discretion and if she does not perform as Council requires, then she is subject to dismissal. I was told, (by this time my wife was on the extension phone) that I had no right to discuss her job as she was a professional and I am not. The conversation on her part was far from professional.

I resented, and still do, her yelling and the 'implied threat of a law suit'. As a resident of this wonderful village, I deserve the respect that all residents are entitled to.

The conversation lasted for about twenty minutes and was a shameful exercise of a Village employee out of control. She finished by saying she was writing to the Village Council and the newspaper about me. If that happens, so be it. At least I was a gentleman; she was certainly not a gentlewoman.

I feel sorry for a person who loses control of themselves so completely. I admit that I now do have serious reservations about Mrs. Lamkin. I hope she does not treat other residents as she treated me.

Very Truly Yours,


C. Bruce Waggoner
3294 Broad Street
Dexter, Mi. 48130

DATE: DECEMBER 16, 1992

TO: MR. C. BRUCE WAGGONER

FROM: MARY ANN LAMKIN, ZONING ADMINISTRATOR/PLANNER

RE: RESPONSE TO THE MISREPRESENTATION OF THE FACTS
STATED BY AND THROUGH MR. C. BRUCE WAGGONER'S
LETTER TO THE VILLAGE COUNCIL, VILLAGE MANAGER AND
VILLAGE PRESIDENT

In prefacing this letter, I feel that must acknowledge for the record that the phone conversation of December 9, 1992 was witnessed by Mr. William Steptoe, Ms. Fern Jackson and Mrs. Jan Karvel. This was done with specific intent because of my seriousness concern for the possible misrepresentation that could be applied by you. It appears that my concerns were necessary after all. It should be made clear that you grossly misstated content, expression and facts as they directly related to my reason for the phone call to you.

I would like to state for the record that my original reason for wishing to speak with you was for the purpose of securing a direct statement from you concerning your blasphemous verbal attacks against me; and those being said behind my back and in various places including the local bar. It has always been my believe and practice that when there appeared to be some contention about a persons involvement into my personal life, I would contact "that" person directly and provide them with an upfront opportunity to either admit or deny their involvement. It is my position that you chose to be a coward and a despicable coward at that, for not affording me the right to admit or deny alleged complaints against me before having the audacity of repeating and spreading the unsubstantiated rumors. To me, your behavior needed immediate redress.

Those who witnessed "the" phone call will call you a liar, because you have chosen to commit another crime against humanity by trying to deflect away your disgusting role in this situation. Apparently the arrival of your wife to secure a position in the conversation was not present during your disgusting reaction to my concerns and missed your laughter. I personally found your behavior appalling and felt that I owed you absolutely nothing in the form of respect. In addition, anyone who feels that they have the right as a citizen to defile and defame another person simply because the of a given employment relationship, is wrapped and depraved and clearly devoid of personal relationship skills.

As far as your insistence to know who the individuals names who gave me the information about your sad displays, it appears that you have confused our respective positions. I would not hesitate to question that your reasoning for this obvious lack of recall, could be attributed to shame. And as for another fact, my

conversation never once deviated from obvious indigence in the tone in my voice to yelling as you falsely reported. Additionally, what may have seemed to be twenty minutes, in fact was actually a ten minutes time period. I would guess that your believe in the twenty minute dissertation was probably due to the fact that you were stunned to have someone put "you" on the spot for your obvious disgusting practiced choice of behavior. I was simply telling you that I could care less who you are (or think you are) in this community, because, despite your confused perception about yourself, people like you have no right trashing anyone; including employees of this community. You may dilute yourself into believing that you have the right to be rude, uncouth and discourteous to people who are employed by the Village, but you are sadly mistaken. My phone call was for that purpose; to let you know that your diluted preconceived notions about your so called rights are just that. I while you may want to consider yourself as a "gentleman"; that Mr. C. Bruce Waggoner, is a debateable question given your "known" reputation for smearing others in this community; i.e. Mr. Palenick. Personally, I am not concerned that you would or would not consider me a gentle women, because frankly speaking, who are you to throw stones with your personal record. Your statement regarding "loss of control" was simply a reaction to having your person redressed by someone who is not intimidated by you and your "self" proclaimed importance.

Furthermore, do not speak to me about professionalism, because the historians in this Village have done their respective parts in preserving the facts about your past, and Mr. C. Bruce Waggoner, you were certainly not a gentleman or professional. And as of December 9, 1992, you still aren't.

With regard to your right as a voting member of this community to be considered a political person, you are exactly right. You certainly are not a statesperson, because they have respect for the electoral process not contempt for the need to manipulate the system.

I am therefore demanding a full apology; complete with a total truthful disclosure of the facts involved in my phone call to you. It should be understood that I do not threaten lawsuits, I promise them if my civil rights and liberties are trashed.

cc: Mr. Leonard; Dexter Leader
Village President, Phil Arbour
Village Council
Village Manager

Dec 24, 1992

We would like the following letter
made a portion of the public record
for the Council meeting on Dec 28, 1992

We regret that it was not submitted
at an earlier date.

It is our opinion that the person
mentioned in this attached document
has been an asset to the community
in her position as Zoning/Planning
Inspector.

Thank you.

Copies to all Village Trustees
and President.

Turned into the Village
Dec 24, 1992

October 22, 1992

→ Date is correct

Members of the Village Council, President and Village Manager

We would like to express our concern about treatment that a certain village employee has received from a few members of the Planning Commission.

This person is Mary Ann Lamkin current Village Planning and Zoning inspector.

The undersigned residents, have found her to be a skilled professional, knowledgeable about planning, zoning and the laws pertaining to them. She has been willing to answer citizen queries and spend time with people until they understand the implications. Our perception is that she has handled, often times delicate situations, within the village in a fair, impartial, equitable and professional manner.

It has not gone unnoticed that certain members of the Planning Commission have used these meetings as a public form to vent their personal or perhaps political frustrations on this employee in what could be considered an abusive manner.

This unprofessional behavior needs to be stopped.

It has not gone unnoticed that the person leading many of these orchestrated vendettas has a documented record of verbal tongue lashings of citizens, as well as other elected officials in his tenure on the Commission and when he served on council.

We feel these deviations from professional behavior has caused sound advice offered by this professional to fall on deaf ears, thus creating problems for the village as a whole. We need this professional at this point in our evolution process.

We do not want the village to end up in another round of litigation because a few individuals for political or personal reasons have chosen to destroy the professional reputation of this individual.

Thank you

Timothy J. Kluwer	3580 Hudson Dexter
William B. Steptoe	7250 Don Hoag Dexter
Mary L. Kimmel	3290 Central St. Dexter
Mary Ann Steptoe	7250 Don Hoag Rd. Dexter
Cynthia Miller	3141 Baker Rd. Dexter
Luther Van Housen	3276 Central Dexter
Phil Carpenter	3520 Broad Street

VILLAGE OF DEXTER

Phillip J. Arbour, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8303
FAX (313) 426-5614

Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

To: Mr. Timothy Klever

Date: 12/28/92

Subject: Michael J. McCue resume, response to 11/13/92 letter

I wish to concentrate on the two basis points of your letter dated 11/13/92.

1. Misstatements of fact concerning prior work experience.
2. Inaccuracies of educational accomplishments.

I will respond by providing the highlights of the original search process and my follow up conversations with the search consultant from the Michigan Municipal League (MML) and an individual from MSU school of English.

PROCESS:

The review process came down to 3 finalists, each of the three candidates underwent the scrutiny of Tom McNabb of the Michigan Municipal League. Background checks included a review of the stated credentials on their resumes, a follow-up with the current and/or past supervisors of each candidate, and review of the academic credentials of each individual. Additionally, Mr. McNabb as part of his normal review of candidates made contact with his peers in the field of public administration. He talked about his own experience in the public sector and the many contacts he has made over the years in all corners of the state. This network is vital in reviewing the many candidates he has recommended for similar positions.

Point 1.

According to Mr. McNabb there were no conflicts between any statements on Mr. McCue's resume and facts brought out in any of Mr. McNabb's follow up interviews. Mr. McNabb interjected during our conversation of 11/20/92 that those who know Michael believe him to be a person of high integrity.

Point 2.

I contacted the English department at MSU, on 12/11/92 and discussed this matter with a Jill Crane, Undergraduate Secretary. The purpose of my contact was to understand the statements concerning no declared minors. She explained to me the requirements for graduation of all English majors:

- A) A declared major, and
- B) fulfilling minor areas of study, referred to by the English department as Cognates.

As each school, of MSU, defines its requirements for graduation, I feel the matter of Cognates vs. Minor is matter of semantics.

If this response does not coincide with the picture you have of Mr. McCue's resume, I hope that you will bring to my attention all the information in your possession as soon as possible. I will be looking to our Village Council for a method of dealing with this matter as soon as additional information comes to light. I understand your hesitancy of bringing this information forward, but because of the gravity of your statements a complete picture is necessary for thorough review to be completed.


Philip J. Arbour
Dexter Village President

PJA/dmo

copy: Dexter Village Council
Mr. Michael McCue
Mr. Thomas McNabb c/o MML

MEMORANDUM

DATE DECEMBER 28, 1992
TO MEMBERS OF COUNCIL
FROM DONNA FISHER
SUBJECT COUNCIL MINUTES

I WISH TO APOLOGIZE FOR NOT SUBMITTING MINUTES TO MICHAEL BEFORE THE FRIDAY PACKET DEADLINE. MY FATHER HAD EMERGENCY SURGERY FOR HEART BLOCKAGE AND AN AORTAL ANEURISM TWO DAYS BEFORE CHRISTMAS AND THE RESULTING STRESS FOR MYSELF AND MY FAMILY CAUSED THE DELAY. HOWEVER, THINGS ARE LOOKING BETTER TODAY AND I AM BACK ON TRACK.

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS
DECEMBER 28, 1992

BILLS DUE (PAGE 1)	\$ 24,906.09
PAYROLL COSTS (PAGE 2)	<u>19,188.46</u>
TOTAL BILLS AND PAYROLL COSTS EXPENDED ALL FUNDS	\$ 44,094.55

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: DECEMBER 28, 1992

PAGE 1

PAYEE-EXPLANATION	CODE	TOTAL	101 GENERAL	202 MAJOR ST	203 LOCAL ST.	590 SEWER	591 WATER
ANN ARBOR IMPLEMENT CO.	441-937	75.62	75.62				
AT&T CREDIT CORP	VARIOUS	100.18	59.09			41.09	
AT&T CSC	172-853	17.88	17.88				
DETROIT EDISON							
MUNICIPAL ST LIGHTING	448-920	2,022.50	2,022.50				
DEXTER COMM SCHOOLS	301-804	1,027.37	1,027.37				
DEXTER LEADER	VARIOUS	456.50	456.50				28.00
DEXTER RENTAL, INC.	556-93701	28.00					
ELECTRONICS SERV CENT.	441-937	50.00	50.00				
GRAINGER, W. W.	548-937	106.04	106.04				
GRANT'S AUTO & TRUCK	441-939	659.53	659.53				
HACH	548-743	28.00	28.00				
KOCH & WHITE HTG	265-935	178.00	278.00				
LAMKIN, MARY ANN/REIMB	400-977	199.99	199.99				
MADISON ELECTRIC CO	556-937	48.30	48.30				
MARATHON OIL CO.	VARIOUS	958.00	958.00				
MI BELL - 426-8303	172-853	142.91	142.91				
MI CITY MANAGEMENT ASSOC	172-965	139.00	139.00				
MI MUNICIPAL RISK INS.	VARIOUS	7,107.00	3,979.92			2,345.31	781.77
MISS DIG/1993 DUES	556-815	146.16					146.16
MORTON SALT	VARIOUS	1,308.47					
O'GRADY, DONNA	265-970	395.84	395.84				
OSTROWSKI / (McCUE- PERSONAL SECRETARY)	172-956	15.00	15.00				
PILOT INDUTRIES-REIMB	400-956	200.00	200.00				
PITNEY BOWES-POSTAGE RENT	172-941	53.25	53.25				
R.A.K. INDUSTRIES	556-740	118.89	118.89				
ST DEPT OF TRANSPORTATION	VARIOUS	7,733.04		7,733.04			
TAPHOUSE-REIMB WA DEP.	000-255	35.00					35.00
TELEDIAL AMERICA	172-853	197.02	197.02				
TRUCK & TRAILER EQUIP.	441-740	419.10	419.10				
UMSTEAD MANUFACTURING	441-939	210.00	210.00				120.00
UTILITIES INSTRU. SERV.	556-937	120.00					
VOGEL'S LOCK & SAFE REP.	265-935	66.50	66.50				
W.D.C. "UNITED FOR PROG."	101-815	353.00	353.00				
WILLIAMS SEWER SERV.	548-826	190.00				190.00	
TOTALS		24,906.09	12,177.25	8,387.28	654.23	2,576.40	1,110.93

12-28-92
 DF
 Ambrose

<u>PAYEE-EXPLANATION</u>	<u>TOTAL</u>
<u>PAYROLL COSTS - DECEMBER 12, 1992</u>	
FERN JACKSON	741.95
JANET C. KARVEL	560.72
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	351.07
KURT J. AUGUSTINE	392.50
KEITH L. KITCHEN	613.09
PATRICK A. MCKILLEN	797.89
BRUCE T. WHITLEY	470.23
THOMAS C. DESMET	954.23
ANDREA M. DORNEY	603.16
EDWARD A. LOBDELL	736.71
DANIEL L. SCHLAFF	594.96
LARRY C. SEBRING	677.40
DONNA L. FISHER	491.66
RITA A. FISCHER	250.83
TOTAL	9,959.10

<u>PAYROLL COSTS - DECEMBER 19, 1992</u>	
FERN JACKSON	656.98
JANET C. KARVEL	381.48
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	305.28
KURT J. AUGUSTINE	492.86
KEITH L. KITCHEN	490.48
PATRICK A. MCKILLEN	738.06
BRUCE T. WHITLEY	436.33
THOMAS C. DESMET	954.23
ANDREA M. DORNEY	361.89
EDWARD A. LOBDELL	736.72
DANIEL L. SCHLAFF	594.95
LARRY C. SEBRING	677.40
JAMES GORDENIER/17 MEETINGS	680.00
TOTAL	9,229.36

TOTAL PAYROLL COSTS = \$19,188.46

M E M O R A N D U M

TO: Village President and Village Council
FROM: Michael J. McCue, Village Manager
RE: Manager's Report
DATE: December 24, 1992

DNR Wastewater Treatment Plant Audit

The WWTP was audited last week by the Department of Natural Resources. The Village came through very well. The only item we did not do was to publish the names of non-complying businesses in the industrial pretreatment program. Both Alpha Metals and Stahlin will be published as non-compliers, however, they have come into compliance.

DAPCO Landscaping Letter

As requested, I have sent a letter to DAPCO regarding the landscaping requirements. It asks for a response to the previous letter and informs them of the possible implications of not responding; e.g. citation or legal action. I will follow up on this next week.

Labor Negotiations

After eight hours with a mediator, I believe we have come to a tentative agreement. Of course, this is pending both employee and Council approval. I will provide you more details of the proposed contract at the meeting.

Pilot Plastics Money

As you recall, a meeting had been scheduled to discuss the money owed to the Village by Pilot Plastics. However, the people I needed to speak with had to cancel the meeting twice due to illness. I am trying to schedule another appointment for after the first of the year.

Entrance Sign Committee

A meeting to discuss a proposed plan has been set for January 27, 1993. At this time, the committee hopes to be able to develop some firm design plans for Council's approval. I will keep you posted on this matter. As always, Trustees are more than welcome to attend and provide their comments.

Siren Purchase

The siren has been ordered and is expected to be installed in the very early spring (roughly March). This, of course, depends on the frost levels at that time of year.

P.A. System

The sound system has been ordered and should be in the office next week. Mr. Adams has generously donated his time to install the

system in the Council Chambers. My thanks go to Mr. Adams for his assistance with this item.

Employee Evaluations

Employee performance appraisals for the year-end have been completed and I will review the appraisals with the employees this week. After that, they will be shared with you to approve the appropriate raises.

Parting Thought

"To thine own self be true, then thou canst't be false to any other man."

--William Shakespeare from *Hamlet*

VILLAGE OF DEXTER

Philip J. Arbour, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8303
FAX (313) 426-5614

Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

REPORT TO THE VILLAGE COUNCIL FROM THE VILLAGE MANAGER December 28, 1992

SUBJECT: INTRODUCTION of Sidewalk Ordinance

AGENDA LOCATION: New Business #1

BACKGROUND: This ordinance sets requirements for the quality and construction of the sidewalks in the Village. This is currently done in the Village's Engineering specifications. The ordinance refers to this as the guidelines. It further will allow the Village Council to order people to install sidewalks. However, this will not preclude the Village from continuing to install sidewalks.

The proposed ordinance allows a property owner to be cited if they do not maintain or keep clear their sidewalks. In addition, if they do not clean or maintain their sidewalks, the cost of the Village doing this work can be charged to the property owner.

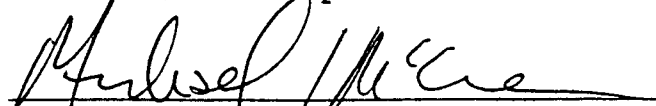
Finally, the ordinance releases the Village from any liability occurring from injuries due to sidewalks. This is placed on the property owner because they now have the responsibility of maintaining it. This type of ordinance is common in many communities because it helps ensure safe sidewalks while keeping the cost to the Village minimal.

SUMMARY OF PREVIOUS COUNCIL ACTION: None.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: In view of the above, it is recommended that the Village Council set a public hearing to receive comments on the proposed ordinance for 8 p.m. January 25, 1993.

ATTACHMENTS: Proposed Ordinance


Michael J. McCue, Village Manager

ORDINANCE # 92-0125001

The Village of Dexter Ordains

Section 1. Sidewalk Construction. The sidewalks of all streets, alleys, and public highways within the Village of Dexter, hereafter constructed or repaired shall, unless otherwise ordered by the Village Council, be constructed of the material and in the manner provided in this ordinance.

Section 2. Line and Grade. The width of all sidewalks constructed under this Chapter shall be determined by the Village Council, before the same are constructed, or ordered constructed, and shall conform to the established grade of the street, unless otherwise ordered by the Village Council and shall be laid with an inclination downward from the inner side to the outer side of one-fourth (1/4) of an inch to the foot. Line and grade for all walks constructed or repaired under this ordinance shall be given by the Village Manager or his representative, and all of the construction work shall be under the Manager's supervision and to his satisfaction.

Section 3. Sidewalk Specifications. Sidewalks shall not be less than four (4) inches in thickness and expansion paper shall be placed in the joints. The Village may establish additional detailed specifications in addition hereto and not inconsistent herewith.

Section 4. Order to Construct. Whenever the Village Council shall, by resolution, declare the necessity for the construction of any sidewalk in any street in front of or adjacent of any sidewalk in any street in front of or adjacent to private property it shall be the duty of the Clerk to cause notice, in substantially the following form, to be served upon the owner or owners of said property, and if the owner or owners of said property cannot be located, then to cause said notice to be posted in a conspicuous place on said property, as follows:

Dexter, Michigan _____, 19 _____

SIDEWALK NOTICE

Take notice that by order of the Village Council of the Village of Dexter, you are required to construct a cement sidewalk on the _____ side of _____ street (or avenue) in front of or adjoining such lots or parts of lots described as follows: _____, as are now owned by you within thirty (30) days from the date hereof, and in default thereof, the same will be constructed by the Village of Dexter and the expense thereof will be assess against said lot.

Village Clerk

Section 5. Construction by Village. If any person so notified shall not have constructed said walk within the time mentioned, it shall be the duty of the Village Manager to have said walk

constructed in front of or adjoining the property of the persons so in default and upon its completion to prepare a report in duplicated and attach thereto the affidavits of the service or posting of the notice above specified, which report shall contain the cost of the construction of said sidewalks together with any other expenses incident thereto, and a description of the parcels of land in front of or adjoining which said sidewalk has been constructed, one (1) copy of which shall be transmitted to the Village Council and one (1) copy to the Village Treasurer. Whereupon and within ten (10) days after receipt of said report, the Village Treasurer shall notify each of the persons who have had sidewalks constructed in front of or adjacent to their premises as shown by said report, of the fact that he, the said Treasurer, will receive payments of assessments so made for a period of thirty days from the date of said notice without further or additional costs. Said Treasurer shall further notify such persons that unless said assessments are paid within thirty (30) days additional costs will necessarily be incurred in perfecting and completing the said assessments and assessment roll. Said Treasurer shall, within forty (40) days after the receipt of said report from the said Manager, transmit the same to the Village Council together with his report thereon covering the matter of payments that may have been made to him.

Section 6. Order to Repair. Whenever any sidewalks shall become out of repair within the Village of Dexter, the Village Manager or his designee may give the owner or occupant of the premises in front of or adjacent to which such sidewalk is located, notice to repair the same within thirty (30) days thereof, and in default thereof such Manager or designee shall have the power to repair said sidewalk and charge the cost and expense thereof to such owner of said property.

Section 7. Repair by Village. In case of non-payment by said owner of the cost and expense of such repair, suit can be brought in any Court of competent jurisdiction to recover the same, or the cost and expense of such repair may be certified to the Treasurer, the Village Council, and the Assessor, and the same assessed upon the lot or parcel of land in front of or adjacent to which said sidewalk has been repaired in the same manner as provided for assessments for building and constructing sidewalks in the Village.

Section 8. Permit. In order to ensure the quality and guarantee the maintenance of sidewalks hereafter laid in the Village of Dexter, every person engaged in the business of laying and constructing sidewalks in the Village of Dexter shall for each job first obtain from the County Building Department a permit to proceed with proposed work, said permit to be issued upon receipt of a permit fee as established by the Washtenaw County Building Department, and the execution of a good and sufficient bond to the Village of Dexter in the penal sum of one thousand (\$1,000.00) dollars, said bond to be a surety company bond or a personal bond with two sureties owning real property in the County of Wayne. Only one such bond shall be required for each party in such business.

Every person laying or constructing his own sidewalk shall for each job first obtain such a permit and pay said fee, but shall not be required to file said bond. Every permittee shall comply with all requirements as to grade, width, specifications and all other terms and conditions contained in this ordinance relative to laying and constructing and repairing sidewalks, and failure so to do shall be a violation of this ordinance.

Section 9. Conditions of Bond. Said bond shall be conditioned upon the faithful observance of the terms and conditions of this Ordinance, and further conditioned that the person executing said bond shall keep the maintain the sidewalk or sidewalks which he, they or it constructs or repairs in a good condition of repair and fit for public travel for a period of three (3) years from and after the date of completion of the construction or repair of said sidewalk or sidewalks. Said bonds shall be approved by the Village Council.

Section 10. Action on Bond. Such bond may be prosecuted and recovery had by any person who shall have suffered any injury or damage by reason of inferior quality of the material having been used in the construction or repair of such sidewalk or sidewalks, or because of defective workmanship for any injury or damage suffered by such person, firm or corporation on account of such sidewalk or sidewalks having become out of repair within three years from the date of the completion of the construction or repair of said sidewalk or sidewalks in the name of the Village of Dexter for the use or benefit of such person. The Village of Dexter shall in no case brought under this Ordinance be liable for costs.

Section 10. Sidewalks to be cleared; Indemnification. Every owner or occupant of any lot or parcel of land adjoining any street or public place in the Village of Dexter or across which there shall be a sidewalk shall, within twenty-four (24) hours after the same has fallen or formed, remove or cause to be removed any snow or ice which may have fallen or accumulated or dirt or debris on such sidewalks in front of or along any such lot, land or premises. If any owner or occupant shall neglect to remove any snow, ice, dirt or other debris in accordance with this section, the owner shall be liable to the Village of Dexter for any damages recovered against the Village by any person by reason of such sidewalk not being cleared. This liability of the property owner to the Village of Dexter shall be enforceable only if the property owner is given timely notice of the action brought against the Village to allow the owner participation if desired, in the defense of the action.

Section 11. Expense of Clearing. Report of such snow or ice or dirt or debris removals shall be made promptly to the Clerk by the Superintendent of Public Works, setting forth the names of the owner or occupant or each lot or parcel from the sidewalks of which snow or ice or dirt or debris has been removed, together with the expense thereof. Upon receiving such report the Clerk shall give

VILLAGE OF DEXTER

Philip J. Arbour, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8303
FAX (313) 426-5614

Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

REPORT TO THE VILLAGE COUNCIL FROM THE VILLAGE MANAGER December 28, 1992

SUBJECT: INTRODUCTION of Amendment to Parking Violations and Penalties Ordinance

AGENDA LOCATION: New Business #2

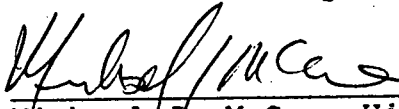
BACKGROUND: This ordinance works in tandem with the Parking Violations Bureau Ordinance in that it delineates what are infractions for parking in the Village. In addition, it names the Uniform Traffic Code as the source for our parking violations. In addition, it includes the actual wording of the Uniform Traffic Code for enforcement.

SUMMARY OF PREVIOUS COUNCIL ACTION: None.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: In view of the above, it is recommended that the Village Council set a public hearing to receive comments on the proposed ordinance for 8 p.m. January 25, 1993.

ATTACHMENTS: Proposed Ordinance



Michael J. McCue, Village Manager

VILLAGE OF DEXTER
Ordinance No. _____

The Village of Dexter Ordains:

The following sections and sub-sections of the Uniform Traffic Code for cities, townships and villages are hereby amended or deleted as set forth and additional sections and sub-sections are added as indicated. Subsequent section numbers used in this ordinance shall refer to the like numbered sections of the Uniform Traffic Code.

1. Repeal of Prior Ordinance. Sections 20.100 through 20.105 of the Compiled Ordinances of the Village of Dexter, effective October 26, 1953 with Amendments of December 11, 1974, June 13, 1966 and November 6, 1984.

8.01 Standing or Parking close to curb; violation as civil infraction.

(1) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in this ordinance.

(2) A person who violates this section is responsible for a civil infraction.

8.02 Parking on 1-way streets; violation as civil infraction.

(1) Vehicles may park with the left-hand wheels adjacent to, and within 12 inches of the left-hand curb or property signed 1-way streets.

(2) A person who violates this section is responsible for a civil infraction.

8.03 Stopping, Standing, or parking on streets signed for angle parking; violation as civil infraction.

(1)

(2) A person who violates this section is responsible for a civil infraction.

8.05 Parking in a manner that obstructs traffic; violation as civil infraction.

(1) A person shall not park any vehicle on a street in a manner that leaves an insufficient width of the roadway available for free movement of vehicular traffic.

(2) A person who violates this section is responsible for a civil infraction.

8.10 Stopping, standing, or parking vehicles; violation as civil infraction.

(1) A person shall not stop, stand, or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or to comply with the law or the directions of a police officer or traffic-control device.

- (a) On a sidewalk.
- (b) In front of a public or private driveway.
- (c) Within an intersection.
- (d) Within 15 feet of a fire hydrant.
- (e) On a crosswalk.
- (f) Within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of streets.
- (g) Within 30 feet of any flashing beacon, stop sign, yield sign, or traffic-control signal located at the side of a street.
- (h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone.
- (i) Within 50 feet of the nearest rail of a railroad crossing.
- (j) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station, within 75 feet of the entrance when properly signposted.
- (k) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (l) On the street side of any vehicle stopped or parked at the edge or curb of a street.
- (m) On any bridge or other elevated structure on a street or within a street tunnel.
- (n) Within 200 feet of an accident at which police officers are in attendance.
- (o) In front of any theater.
- (p) In any place or in any manner so as to block or hamper the immediate use of an immediate egress from any fire escape which is conspicuously marked as a fire escape and which provides an emergency means of egress from any building.
- (q) In any place or in any manner so as to block or hamper the immediate use of an immediate egress from any fire escape which is conspicuously marked as a fire escape and which provides an emergency means of egress from any building.
- (r) At any place where official signs prohibit stopping, standing, or parking.
- (s) In a parking space which is clearly identified by an official sign as being reserved for use by handicappers and which is on public property or private property that is available for public use, ~~unless the person is a handicapper as described in the act~~ or unless the person is parking the vehicle for the benefit of a handicapper. A certificate of identification issued under section 675(5) of the Uniform Traffic Code Act, to a handicapper shall be displayed on the lower left corner of the front windshield. A special registration plate issued under section 803d of the act to a handicapper shall be displayed on the vehicle.
- (t) Within 500 feet of a fire at which fire apparatus are in attendance when the scene of the fire lies outside a city or village. However, volunteer firefighters responding to the fire may park within 500 feet in a manner that does not interfere with fire apparatus at the scene. Vehicles legally parked before the fire shall be exempt from this subdivision.

(2) A person who violates this section is responsible for a civil infraction.

8.14 Parking for certain purposes prohibited; violation as civil infraction.

(1) A person shall not park on any street for the principal purpose of doing any of the following:

- (a) Displaying such vehicle for sale.
- (b) Washing, polishing, greasing, or repairing such vehicle, except for repairs necessitated by an emergency.
- (c) Displaying advertising.
- (d) Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of the Village of Dexter.
- (e) Storage for more than 48 continuous hours.

(2) A person who violates this section is responsible for a civil infraction.

8.15 Standing or parking on 1-way roadways prohibited; exception; violation as civil infraction.

(1) If a street includes 2 or more separate roadways and traffic is restricted to 1 direction on such roadway, a person shall not stand or park a vehicle on the left-hand side of such 1-way roadway, unless signs are erected to permit such standing or parking.

(2) A person who violates this section is responsible for a civil infraction.

8.23 Evidentiary presumption relating to parking violators.

In any proceeding for violation of this ordinance relating to the standing or parking of a vehicle proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

8.25. Parking on Lawn Extension. No person shall drive upon, park or stand any vehicle between the curb and the lot line nearest the street, said area being commonly known as the lawn extension. This only applies to areas where curbs are in place.

8.26. Restricted Hours.

(1) It shall be unlawful for any person to park or stand any motor vehicle upon the curbed public street of the Village of Dexter between the hours of 2 a.m. and 6 a.m. nightly.

(2) Exemptions. An exemption may be obtained for special circumstances, issued by the Chief of Police. Permit shall be in writing and shall be prominently displayed

on the front windshield of the vehicle. Permit shall be issued for a specified period of time not to exceed 90 days.

8.27. Parking in Setback Area. No person shall park a motor vehicle in the area between the lot line and the front yard set back line, except on the driveway, in a structure or within an approved parking space or lot. When the lot is a corner lot, no person shall park a motor vehicle between the lot lines and the set back lines of either street. This law is not intended to preclude persons from legally parking vehicles on the lawn extensions of street where there are no curbs.

8.28. Residential Zones, Parking of Commercial Vehicles Within. Parking of motor vehicles, in residential zones, shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed three-fourths (3/4) ton shall be permitted per dwelling unit. The parking of any other type of vehicle, or bus, except for those parked on school or church property, is prohibited in a residential zone.

8.29. Truck or Bus on Residential Street, Restricted Hours. It is unlawful to park or stand any truck or bus, except those actively providing a service, on any residential street between the hours of 8 p.m. and 8 a.m. For the purposes of this section, "residential street" shall mean the portions of any street which is adjacent to land which is zoned as residential. For the purposes of this section, "truck or bus" shall mean any vehicle which is licensed for an empty weight of more than 5500 pounds or exceeds 22 feet in length.

This ordinance will become effective 10 days after publication.

I, Donna Fisher, Clerk of the Village of Dexter do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ and was adopted by a vote of the Village Council on the _____ day of _____, 1993 by the following vote:

AYES

NAYS

ABSTAIN

and that upon order of the Village Council I have caused the same to be published and enrolled in the Ordinances of the Village of Dexter, as provided by law.

Donna Fisher
Clerk of the Village of Dexter

VILLAGE OF DEXTER

Philip J. Arbour, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8303
FAX (313) 426-5614

Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

REPORT TO THE VILLAGE COUNCIL FROM THE VILLAGE MANAGER December 28, 1992

SUBJECT: INTRODUCTION of Parking Violations Bureau Ordinance

AGENDA LOCATION: New Business #3

BACKGROUND: As you will recall, the Village has removed the parking meters from downtown and has created short-term and long-term parking areas for the village. Because of these changes, it is necessary to change the Parking Ordinance. In addition, the creation of a Parking Violations Bureau will provide the Village the authority to enforce tickets and give the Sheriff's Department a better way to enforce the ordinance and issue tickets.

The Ordinance creates the Parking Violations Bureau and also sets the rates for infractions. If a violator has six or more unpaid tickets, the case can be sent to the District Court for action. It may also result in the impoundment of the vehicle, loss of the right to renew a drivers license and the issuance of an arrest warrant.

Most fines are fixed at approximately \$10 and increase to \$15 if not paid within 14 days. This is a strong enough fine where people will notice, and will probably not repeat the infraction. In addition, the fines will help to recover the costs of materials.


Several new violations have been added. These infractions are from the Uniform Traffic Code and are fairly standard in most communities.

SUMMARY OF PREVIOUS COUNCIL ACTION: None.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: In view of the above, it is recommended that the Village Council set a public hearing to receive comment on the proposed ordinance for 8 p.m. January 25, 1993.

ATTACHMENTS: Proposed Ordinance


Michael J. McCue, Village Manager

PARKING VIOLATIONS BUREAU

The Village of Dexter Ordains:

1. Creation of Parking Violations Bureau. A parking violations bureau is by the provisions of this Ordinance is established for the Village of Dexter. This bureau shall be operated by such person or persons as the Village Council shall designate by appropriate resolution.

2. Issuance of Notice of Parking Violations. The violator of any provisions of Chapter VIII of the Uniform Traffic Code, as adopted and amended by Ordinance of the Dexter Village Code, shall be served by the complaining officer with a parking violation notice on a form as prescribed by Village Council by appropriate resolution. The notice shall give the date and time of the violation, the location of the violation, the nature of the violation, the signature and identification number of the issuing officer, the vehicle make and license number and other pertinent information as specified on the notice. The notice shall also include a schedule of fines for parking violations as set forth in section 6 of this Ordinance and the following notice:

The owner of the vehicle described on this parking violation notice is notified that the vehicle was parked in violation of the Village of Dexter Code. If you wish to admit responsibility for the violation, you may either mail a check or money order, payable to the Village of Dexter for the amount indicated, in this envelope, or pay in person at the Dexter Village Hall, 8140 Main St., Dexter, MI 48130.

If you wish to deny responsibility or admit responsibility with an explanation you may appear in person at the Dexter Village Hall or call the Dexter Village Hall at (313) 426-8303 for information on how to proceed.

Fine amounts increase after 14 days. YOU MUST RESPOND ON OR BEFORE 14 DAYS FROM THE DATE THIS CITATION WAS ISSUED. Failure to respond will result in a default judgment against you and additional costs.

Six or more unpaid notices may result in:

1. Impoundment of your vehicle. Vehicles are subject to impoundment until payment is received by the Dexter Violations Bureau.
2. Loss of your right to renew your drivers license.
3. Issuance of a warrant for your arrest.

3. Time for Appearing before Parking Violations Bureau. If any person who has received a parking violation notice, within the time limited in such notice, pays at the Dexter Village Hall or mails the fine and notice to the parking violations; bureau as set forth

in the preceding section, such fine and cost shall be in complete satisfaction for the violation charge. If the person who has received such a notice does not mail in or bring in person the fine and notice within the time required, the violation notice shall be forwarded to the appropriate District Court under the provisions of the Dexter Village Code.

The Parking Violations Bureau shall notify the police department when parking violation notices are forwarded to the District Court. The Police Department shall record the information in their parking violations log.

4. Accounting. Accounting shall be made by the Parking Violations Bureau within ten (10) days after the end of each month of all fines and costs received by it during the previous month. A copy thereof shall be delivered to the Village Manager and another copy shall be delivered to the Police Department. A reconciliation of the issued parking violation notices will be completed between the Police Department and the Parking Violations Bureau quarterly, so as to determine the status of each notice.

The Police Department shall make a report of the quarterly reconciliations to the Village Council once the reconciliations are completed.

5. Record of Violations. After the complaining officer issues a parking violation notice he shall record the violation notice in the Parking Violation Notices Log. The notice shall then be forwarded to the Parking Violations Bureau of the Village of Dexter for collection. The Parking Violations Bureau shall keep a record of all such violation notices, whether the same are issued by an officer or on the complaint of any other person.

6. Fines for Parking Violations. The parking violations herein set forth, when the violator desires to plead responsible, may be paid to the Parking Violations Bureau and the penalty for said violations shall be as adopted by Council Resolution.

VIOLATION	WITHIN 14 DAYS	AFTER 14 DAYS
Overtime Parking	\$10	\$15
*No Parking Here to Corner (8.10)	10	15
No Parking Anytime (8.10)	10	15
*No Parking Between Signs (8.10)	10	15
No Parking 2 a.m. to 6 a.m. (8.26)	10	15
*No Stopping or Standing (8.10)	10	15
*Parked on Lawn Extension (8.25)	10	15
Double Parking (8.10)	10	15
Within 15 feet of Fire Hydrant (8.10)	10	15
*Parked on Sidewalk (8.10)	10	15
Left to Curb (8.1)	10	15
Blocking Driveway (8.10)	10	15
Blocking Crosswalks (8.10)	10	15
Blocking Alley (8.13)	10	15

Blocking Traffic (8.5)	10	15
Blocking Sidewalk	10	15
Within 30 feet of Stop/Yield Sign	10	15
Handicapped Parking (8.10)	75	100
*Over 12 inches from Curb (8.1)	10	15
*Improper Parking on One-Way Street (8.15)	10	15
*No Parking Fire Lane (8.10)	10	15
*No Parking This Side of Street (8.10)	10	15
*Snow Removal (8.10)	25	30
*Ahead of Setback Line (8.27)	10	15
*Abandoned Vehicles (8.14)	25	30
*Occupying Two Spaces (8.3)	10	15
*Angle Parking Only (8.3)	10	15
Other	10	15
*In Intersection (8.10)	10	15
*Within 20 Feet of Crosswalk (8.10)	10	15
*Improper Storage	10	15
*Truck/Bus in Residential Area (8.29)	10	15
*Private Property (8.27)	10	15
*Exceed 1 Commercial Vehicle in Residential Area (8.28)	10	15

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
SPECIAL MEETING
January 4, 1993
8 P.M.

CALL TO ORDER:

ROLL CALL:

President: Philip Arbour Council:

J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
M. McCue

Village Manager:

PUBLIC HEARING:

APPROVAL OF THE MINUTES:

PRE-ARRANGED CITIZEN PARTICIPATION:

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

CONSENT AGENDA:

OLD BUSINESS:

1. Employment Status of Zoning Administrator/Planner

NEW BUSINESS:

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITMES WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
JANUARY 4, 1993
SPECIAL MEETING

Reconvening of meeting originally scheduled for December 28, 1992, to discuss Personnel Matters-Employment Status of the Zoning Administrator/Planner, M. Lamkin.

The meeting was called to order by President Arbour at 8:00 P.M. at First of America Bank Building, 8123 main Street.

Present: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Absent: None

Also present: Village Manager McCue, Village legal counsel S. Schwartz

Non-Arranged Citizen Participation

A. Van Hoosear, addressed Council asking members to speak up during the meeting so all members could be heard.

Old Business

1. Employment Status of Zoning Administrator

M. Lamkin addressed council making statements about her employment status as Zoning Administrator/Planner.

Following her presentation President Arbour asked Ms. Lamkin if she had concluded all the material she wished to present.

Ms. Lamkin stated that she had concluded what she had to say.

President Arbour informed Ms. Lamkin that she could obtain copies of the audio tape made of the meeting.

President Arbour then addressed Council asking if Council wished to adjourn the meeting or discuss issues further and make a decision regarding Ms Lamkin's employment status that evening.

Moved Adams, support Pearson to table Old business Item 1. Employment Status of Zoning Administrator/Planner until the next regular meeting of January 11, 1993.

Ayes: Adams, Cousins, Gregory, Pearson, Rush, Arbour

Nays: Gordenier

Motion Carried

Non-Arranged Citizen Participation

The following citizens addressed Council speaking in support of Ms. Lamkin -

B. Vandergrift, 8020 Huron Street

V. Michael, 3649 Cushing Court

D. Cynar, 3615 Cushing Court

T. Klever, 3580 Hudson

C. Willoughby, 6242 Dexter-Ann Arbor

Trustee Pearson addressed Council stating her opinion regarding the operation of matters of government in the Village.

Adjournment

Moved Gordenier, support Pearson to adjourn the meeting at 10:05 P.M.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Respectfully submitted,



Donna L. Fisher
Village Clerk

(Commercially prepared copy of audio tape of this meeting has been filed in the Village safe with minutes.)

Filing approved Donna L. Fisher 1-11-93

ORDINANCE NO. 78-3VILLAGE MANAGER
VILLAGE OF ST. CHARLES, MICHIGAN
effective October 9, 1978

An Ordinance establishing the office of Village Manager; providing for the appointment, compensation and discharge of such official; specifying the branches of the Village Government and activities under his management and control and defining and limiting his rights, powers, and liabilities.

THE VILLAGE OF ST. CHARLES ORDAINS:

Sec. I. In accordance with the authority for the appointment of such village officers as the Council shall deem necessary for the execution of the powers granted to the Village contained in Section 2 of Chapter II of Act 3 of 1895, as amended, which is the charter of this village there is hereby created the position of Village Manager.

Sec. II. The President shall, within ninety days after a vacancy exists in the position, appoint, by and with the consent of the Council, a Village Manager to serve for an indefinite period. He may be removed by the President at any time the President for cause shown deems it for the public interest, but only after a full hearing before the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to race, religious or political preferences. He need not be a resident of the village at the time of his appointment, but shall become a resident within six (6) months after his appointment and shall continue to reside in the village thereafter during his term of office.

Sec. III. The Village Manager shall receive such compensation as the Council shall negotiate annually.

Sec. IV. The President and Council may appoint or designate an Acting Manager during the period of a vacancy in the Office of Manager or during the absence of the Manager from the Village.

St Charles

Sec. V. The Village Manager shall be responsible to the President and Council for the proper administration of all affairs of the water, public works, street, general, sewer, and police departments of the village and to that end he shall have power, and shall be required to:

- A. Act in behalf of, and carry out the instructions of, and be the authorized representative of the Village Council;
- B. Be solely responsible to the President and Council for directing all the departments of the village under his jurisdiction including health and safety, and the personnel therein, within the limits set by law;
- C. Attend all meetings of the Village Council with the right to take part in discussions but without the right to vote;
- D. Be a member ex-officio of all committees of the Village Council;
- E. Recommend to the Council for adoption of such measures as he may deem necessary or expedient for improvement or betterment of the village;
- F. Prepare an annual budget, submit it to the Council, recommend its adoption, and be responsible for the administration thereof; provided however, the raising of money shall in all cases be with the consent and approval of the Council;
- G. Be responsible for the purchase and sale of all village property excepting real estate, provided that in all purchases or sales in excess of fifteen hundred (\$1,500.00) dollars, the purchase or sale shall in all cases be with the consent and approval of the Council;
- H. Exercise and perform all administrative functions that are not imposed by charter or ordinance upon some other official;
- I. Present to the Council periodic reports and special reports when requested by the Council covering the activities of the Village administration for which he is responsible;
- J. Recommend to the Council the salaries to be paid each appointive officer and employee of the Village under his jurisdiction;
- K. Perform such other duties as may be required of him from time to time by the Council, consistent with the charter of the village, or with statute, or ordinances.

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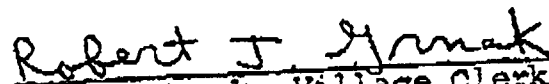
FROM ST CHARLES VILLAGE

Sec. VI. Neither the Council nor the Village President, nor any of the members of committees of the Council shall dictate to the Manager as to the appointment of any person to office or to the employment of any person by the Village Manager, or in any way interfere with the Manager to prevent him from exercising his judgement therein or in the direction of the departments under his jurisdiction. Except for the purpose of inquiry, the President and the Council and its members shall deal with the departments under the jurisdiction of the Manager through the Manager.

Sec. VII. If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided that such remaining portions or applications are not determined by said court to be inoperable, and to this end this ordinance is declared to be severable.

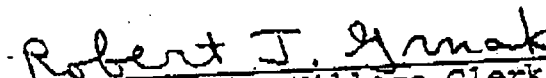
Sec. VIII. This ordinance shall take issued effect on date of passage October 9, 1978.


Dudley Kirby, Village President


Robert Grnak, Village Clerk

I, ROBERT GRNAK, Village Clerk of the Village of St. Charles, Saginaw County, Michigan, hereby certify that the foregoing is a true and correct copy of the Ordinance made and passed by the Village Council of St. Charles on the 9th day of October, 1978.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 10th day of October, 1978.


Robert Grnak, Village Clerk

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
January 11, 1993
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Philip Arbour Council: J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
Village Manager: M. McCue

PUBLIC HEARING: None.

APPROVAL OF THE MINUTES:

1. December 28, 1992 Regular Village Council Meeting
2. January 4, 1993 Special Village Council Meeting

PRE-ARRANGED CITIZEN PARTICIPATION:

1. Mr. Paul Bishop -- Response to Allegations
2. Ms. Karen Fisher-Dworek -- Issues Brought Forth at Jan. 4, 1993 Council Meeting

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

1. Letter from SEMCOG
2. Letter from Parks Commission Chair
3. Letter from Department of Natural Resources
4. Letter from Huron River Watershed Council
5. Letter from Mr. Timothy Klever

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

Village Manager
Public Works
Utilities
Financial Report

CONSENT AGENDA:

1. Receive and File November 16, 1992 Planning Commission Workshop Meeting
2. Receive and File December 7, 1992 Regular Planning Commission

- Meeting
3. Receive and File December 21, 1992 Planning Commission Workshop Meeting

OLD BUSINESS:

1. Employment Status of Zoning Administrator/Planner
2. Award of Bid for Monument Park Construction
3. Award of Bid for Auditor Services

NEW BUSINESS:

- ~~1. Approval of Liquor License Transfer for Sportsman's Bar~~
 - ~~1/2. Designation of Local Officials Legislative Coordinator~~
 - ~~2/3. Set Executive Session to Discuss Union Negotiations~~
 - ~~3. Committee to address Allegations of Last Two Weeks~~
- PRESIDENT'S REPORT:** 4. *Receive and File December 7, 1992, Regular Planning Commission Meeting*

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEMS WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
REGULAR MEETING
JANUARY 11, 1993

The meeting was called to order at 8:00 P.M. by President Arbour at First of America Bank Building, 8123 Main Street.

Present: Adams, Gordenier, Gregory, Pearson, Rush, Arbour

Absent: Cousins (Cousins entered the meeting at 8:02 P.M.)

Also Present: Village Manager McCue, Village Legal Counsel S. Schwartz

Approval of Minutes

Moved Gordenier, support Gregory to approve the minutes of the December 28, 1993, regular meeting as presented.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Rush, support Gregory to approve the minutes of the January 4, 1993, special meeting as presented.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Pre-Arranged Citizen Participation

P. Bishop, 7531 Forest, addressed Council refuting allegations made against him by M. Lamkin at the January 4, 1993, special meeting of the council.

K. Fisher-Dworek, 7105 Dexter-Ann Arbor, reading written statement, made by herself in her role as Village citizen, refuted allegations made by M. Lamkin at the January 4, 1993, special meeting.

Approval of Agenda

Under New Business, Item #1 was removed.

Under New business, Item #3, Committee to Address Allegations of Last Two Weeks was added

Moved Gordenier, support gregory to approve the agenda as amended. (copy filed with minutes)

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Non-Arranged Citizen Participation

M. Lamkin, 4855 Island Shore Drive, Hamburg Township, addressed Council speaking about newspaper articles regarding her involvement in political/legal issues in the past that were circulated in the Village.

V. Michael, 3649 Cushing Court, addressed Council stating Ms Lamkin should be rehired and all allegations should be

investigated.

J. Dworek, 7105 Dexter-Ann Arbor Road, spoke stating he resents his name being dragged before Council by M. Lamkin.

D. Cynar, 3615 Cushing Court, addressed Council speaking in favor of the continued employment of M. Lamkin as zoning administrator, stating Village Manager McCue should be suspended immediately pending investigation until allegations made against him can be checked out, and reading from a petition to recall Village Clerk Fisher that he stated he would file in the morning.

B. Hoey, 8540 Island Lake Road, addressed Council speaking of his lack of satisfaction in his dealings with the Village Manager McCue and his satisfaction with his dealings with M. Lamkin.

T. Klever, 3580 Hudson, addressed Council speaking in favor of M. Lamkin's continued employment with the Village.

W. Steptoe, 7250 Dan Hoey Road, addressed Council requesting Consent agenda item 2. Receive and file December 7, 1992, regular Planning Commission Meeting minutes be moved to the regular agenda.

Communications

The following communications were included in the Council packet -

1. Letter from Semcog-Orientation
2. Letter from Parks Commission Chair-Huron River Day
3. Letter from DNR-Village did not receive grant
4. Letter from Huron Water Shed Council-Huron River Day
5. Letter from T. Klever-Copy filed with minutes

Bills and Payroll

Moved Gregory, support Gordenier to approve bills and payroll costs in the amount of \$146,614.57.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Reports

Village Manager-Council received written report. Copy filed with minutes.

Public Works-Council received written report. Copy on file.

Utilities- Council received written report. Copy on file.

Financial-Council received the balance sheet for the month of November.

Consent Agenda

Moved Gordenier, support Gregory to move consent agenda item 2. Receive and file December 7, 1992 regular Planning Commission meeting to Item 4 under New Business.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Cousins, support Gordenier to approve the consent as amended to include item 1. Receive and file November 16, 1992 Planning Commission workshop Meeting and Item 3. Receive and file

December 21, 1992 Planning Commission Workshop Meeting.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Old Business

1. Employment status of Zoning Administrator/Planner

Moved Rush, support Gregory to affirm the suspension of Mary Ann Lamkin by the Village Manager and terminate her employment with the Village of Dexter, effective January 11, 1993, for the reasons described in the Village Manager's recommendation.

As part of discussion several documents were distributed to Council by Trustee Cousins and are filed with minutes.

Meeting recessed at 10:32 P.M. for a 5 minute break.

Meeting resumed at 10:37 P.M.

Further discussion.

Vote

Ayes: Rush, Arbour, Cousins

Nays: Gregory, Gordenier, Adams, Pearson

Motion Failed

Moved Gordenier, support Pearson to reinstate Mary Ann Lamkin with full back pay and benefits back to December 23, 1992, to commence immediately.

Ayes: Gregory, Gordenier, Adams, Pearson

Nays: Rush, Arbour, Cousins

Motion Carried

2. Award Bid for Monument Park Construction

Moved Gordenier, support Pearson to award the bid for Monument Park Construction to Dale Krull Construction of Ann Arbor in the amount of \$33,502.00 with these funds to be derived from the 1993-94 Budget, General Fund, Parks and Recreation, Capital Outlay, Account Number 101-751.000-977.000.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

3. Moved Cousins, support Rush to award the bid for Auditor Services to Kenneth Berthiaume and Company, of Saginaw, Michigan in the amount of \$5,685 in FY 1993-94, \$5,945 in FY 1994-95 and \$6,215 in FY 1995-96.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

New Business

1. Designation of Local Officials Legislative Coordinator

Moved Pearson, support Adams that J. Gordenier be appointed to serve as the MML local official legislative coordinator from the Village.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

2. Set Executive Session to Discuss Union Negotiations

Moved Gordenier, support Cousins to table the subject until
the next regular meeting.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

3. Committee to Address Allegation of the Past Two Weeks

No action taken.

4. Receive and File December 7, 1992, Regular Planning
Commission Meeting

W. Steptoe addressed Council stating his opinion regarding the
position of liaison to the Planning Commission from the Village
Council and his opinion regarding the behavior of the Planning
Commission members.

President's Report

None

Non-Arranged Citizen Participation

W. Sartin, 7551 Forest, addressed Council speaking toward
clarifying the definition of positions of 1) liaison to a Village
Commission and 2) actual Member/representative to a Village Board
and comments made by Trustee Rush regarding citizen attendance at
Council meetings.

M. Kimmel, 3290 Central, addressed Council stating her opinion
that Council would have less problems if it had a better command of
Robert's Rules of Order.

B. Manny, 323 Parker Road, stated his opinion regarding what
he thought was a wise decision to reinstate the zoning
administrator and what he thought to be an opportunity to review
allegations not addressed during the meeting.

P. Bishop, 7531 Forest, stated he ^{supported an investigation and D.F. 1-25-93} believed that allegations
made went both ways and that perhaps the State Police or someone
from another outside source should do all investigating.

Adjournment

Moved Gordenier, support Cousins to adjourn the meeting at
12:32 A.M.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Respectfully submitted,

Donna L. Fisher
Donna L. Fisher, Village Clerk

Filing Approved 1-25-93

M E M O R A N D U M

TO: Village President and Village Council

FROM: Michael J. McCue, Village Manager

RE: Manager's Report

DATE: January 8, 1993

V-Tech Update

I have received a letter from Comerica regarding the V-Tech loan. V-Tech is in default to Comerica for their loan. In talking with Comerica, we were able to work with the bank on an auction of property to satisfy V-Tech's debts. Rather than have separate auctions for each party to which money is owed, we hope to have one auction and have the money distributed among the parties participating in the auction. The auction will be held unless V-Tech satisfies their debt before the auction. No date has been set but we expect it to take place in late January or early February.

DNR Grant for Smith Woods Park

I have received word from the DNR that the grant for Smith Woods Park did not receive funding. I will follow up with the state to find out where we can improve our application to get a better opportunity to win the grant. Should Council desire it, the Village may resubmit an application for the grant during the next grant cycle.

Mr. Cynar's Request for Information

As you recall, Mr. Cynar requested information regarding an earthen berm on or near 7505 Third Street. That request has been fulfilled. It is my understanding that the berm is not in violation of any Village Ordinance since there currently is no right-of-way ordinance. However, it may be a form of trespass and I am investigating that situation.

Question of Due Process

The attached opinion from the Village Attorney regarding Mr. Cynar's belief that his due process was violated at the Village Planning Commission meeting is attached. It should be noted that the Planning Commission may adjourn a public hearing to another time. Therefore, his due process rights were not denied.

Conflict of Interest

Mr. Cynar said that he believed a conflict of interest existed regarding Mrs. Sandra Hansen and his request for a special use permit. He claims that because Mrs. Hansen's husband, the school superintendent, is being investigated through the instigation of Mr. Cynar, that Mrs. Hansen should not vote on his request. There are no laws saying that this is a conflict of interest.

RECEIVED JAN 7 1993 *JMG*

Jan 6, 1993

To: Dexter Village Council, Planning Commission, Village Manager,
Zoning and Planning Inspector

Please enter as part of the official record at the next meetings

This is a two part memo

Part 1

I presented my written concerns to you about the illegal zoning of two large vacant parcels in Oct of 1992.

I have attached a copy of that document.

I also appeared in front of council in Oct. to express my concerns about the information I had gathered.

At the time some council members expressed concern and others challenged the credibility of my presentation.

I also understand several planning commission people were skeptical my statements.

I, at that time, asked members to read through the documentation that was available in the village office.

Use these documents to glean from them an understanding of the severity of these situations and make an informed decision.

After some discussion at the Council Meeting table, that evening, it was decided that the situation should be looked into and a report given within six to eight weeks.

I have yet to hear a response from the council.

What were the findings of that report?

Two professional employees of the village, with legal knowledge and backgrounds on this subject matter, have both stated that they found these matters illegal when questioned in an official capacity.

This places the village in a libelous situation if the matter is challenged in court.

I am still waiting for a response from this council or manager about these concerns.

Point 2

Cottonwood Condominiums

I have brought this subject matter up to the Village Manager.

My concerns have been as follows:

The large yellow semi trailer which has sat on the site for many years, the piles of topsoil, piles of construction refuse, final grading of the site.

Length expected until completion. (IT WAS STARTED IN 1988)

The provisions for sidewalk dollars to be given to the village by the developer.

The fact is the issues has not been resolved.

I see that the Planning Commission had the development on their last agenda, 1/4/93

Are you aware of the problems that exist at the site?

Based on discussion with the zoning inspector ,her third quarter report of 1992 states there were problems between the village and Society Bank and unresolved problems still exist at the site.

There are certain problems associated with the continuation of this project, according to our professional planner and zoning person.

I understand there are certain provisions regarding site cleanup grading etc. that are to be completed prior to any additional or future building.

I forwarded documentation to the manager regarding the provisions by the developer to provide sidewalk dollars to the village.

To date according to the village accounts no such money has been forthcoming.

I you can see I have have sent several correspondences regarding this situation to the Village Manager over the past 5 months, even supplied him with background documents regarding the development and the sidewalk dollars situation.

Where is my response?

3.

Please note the response I received about final plans for the site from the manager. Here is the name of the new owner, call if you want to know.

I want some answers to these questions.

I don't want blood, I'm not asking for your first born or the winning lottery ticket.

The only answers I ever had received have been from the Planning and Zoning Inspector.

Her last comments being that problems still existed and that the manager was looking into the sidewalks as he stated in his memo.

Perhaps, the 92 nearby residents who signed a petition in 1988 opposing the density deserve some answers. Better answers.

The fact is that many of the things we opposed came to fruition.

Last time I checked many of these units were owned by two individuals. No one wanted rentals.

The project has gone into receivership.

Maybe those same 92 residents who live near this project and signed the petition opposing the density knew something more than the developer and village officials gave them credit for at the time.

Those who have been unfortunate enough to live near the project and put up with the usual construction related activities, piles of earth and construction trash, illegal sign, old semi trailers etc., for what seems an unreasonable period of 6 years, deserve some consideration at this point.

What happened to these promised sidewalk dollars?
Where do things stand?

Why does it require continued letters and time on my part to get a proper response?

Note:

There are twelve pages of documents attached related to point two and my document of Oct 15, 1992.

Seems like alot of effort for a few simple answers.

Timothy J. Klever

A handwritten signature in cursive script, reading "Timothy J. Klever". The signature is written in black ink and is positioned below the printed name.

Please keep in chron. order.
VILLAGE OF DEXTER

Philip J. Arbour, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8308
FAX (313) 426-5614

RECEIVED JAN 7 1993
Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

November 19, 1992

Mr. Tim Klever
3580 Hudson
Dexter, MI 48130

RE: Payment for sidewalk work on Phase I of Cottonwood Condos by
Mr. Edward Palmer

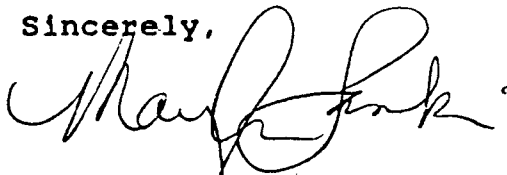
Dear Tim,

I search all of the cash receivables starting from May 1990 and going through April of 1991. The receiver was appointed in February of 1991, therefore Mr. Palmer would have had very little, if any participation in the Cottonwood Project.

My search showed that no payment was received, in any amount, from Mr. Palmer or his receiver, from April 1990 to April of 1991. I will check the remainder months to complete the search, eliminating the possibility that any outstanding debts were paid in the interim.

If need any other information, please call.

Sincerely,



Mary Ann Lamkin
Zoning Administrator/Planner

cc: Cottonwood Condo file

~~November 18, 1992~~

Dexter Village Manager, Michael McCue

Mr. McCue, I appreciated the time you spent last week going over your security plans for the village offices.

As I said at the time, these plans only keep the honest people honest. These measures in my opinion are an ineffective method of dealing with the breaches in security that the village has incurred.

Since we last met I have gone over previous requests for information I sent to the village.

On August 13, 1992 I requested various items of information.

I waited until October 9, 1992 before receiving an official response from you regarding these points of information.

Subsequent information, you said, would be provided after you looked into the financial records in storage. It has yet to be received and today is November 18, 1992.

The status of the sidewalk money payment is still in question. Where does this stand?

Due to the time differentials between informational requests I have made to the village and the receipt of official responses addressing these concerns, 2 months in this instance.

I have often relied on the direct approach to resolve some of my pressing questions.

The week following my request (August 20) I spoke with the Zoning Administrator. She resolved, to my satisfaction, my request for a written explanation concerning the vehicle /motor home storage issue.

She also answered my questions and informed me that steps were underway to resolve some of the site problems with the Cottonwood project.(trailer, grading etc.)

2.

The Administrator was unaware that I had sent a letter to you, at that point in time, regarding issues which might require her expertise. She resolved my concerns and answered all questions regarding these issues that same day.

The only issue left unanswered, on Oct 9, 1992, was payment for the sidewalks. Have you had time to look at the files in storage? It has been over a month?

cc: Village President/Council

cc: Zoning Administrator

Timothy J. Klever

VILLAGE OF DEXTER

Hannah H. Liddiard, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8303
FAX (313) 426-5614

Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

October 9, 1992

Mr. Timothy Klever
Huron St.
Dexter, MI

Dear Mr. ^{Tim}Klever:

Please find enclosed some of the information you requested relating to the Cottonwood Condominium project. Included are the following documents:

- 1) Memo from Pat McKillen to Jim Palenick Re: Sidewalk costs for Cottonwood Condominiums
- 2) Recommendation from the Planning Commission that the developer pay the complete costs of constructing sidewalk from the entrance of the development.
- 3) Legal descriptions of the exchanged properties
- 4) The Zoning Administrator's Last two quarterly reports
- 5) Resolution and agreement to vacate First St.

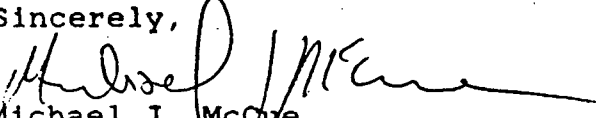
I have also included the Village of Dexter Freedom of Information Act Policy and Request for Information Form. This form helps us streamline requests for information as well as setting a procedure for fulfilling FOI requests. If you have any more FOI requests, please submit them on the attached form. Feel free to duplicate the form, or call me for more copies.

Some items you asked for are not included but will be sent to you soon. Since the sidewalk money information is approximately 4 years old, some research time is needed to look through old receivables books which are currently in storage. However, I will let you know the status of their payment as soon as possible. I greatly appreciate you informing me of the possibility of non-payment. The Zoning Administrator will provide me with a written explanation to your request regarding the unlicensed vehicle/mobile home concerns. I will provide you with a copy of this explanation when I receive one.

You may be unaware of this, but the Cottonwood Condominium project has changed owners. The new owner, Society Bank, Michigan, has indicated that they are aware of the storage trailer violation. Because of the change in ownership, the timetable for completion may have been radically changed. I suggest you contact the new owner for their timetable for completion. They may be reached through Darrell Kenney at Society Bank, Michigan. Staff is currently working with them to handle some of the concerns the Village has regarding this project.

Should you have any questions, please feel free to contact me at 426-8303.

Sincerely,



Michael J. McCue
Village Manager

/mjm

TN - lets SETUP A MEETING RE: SECURITY THIS
WEEK -



TO: Michael McCue
Hannah Liddiard

FM: Pete Long

RE: Cottonwood Condominium Matter

DATE: August 21, 1992 (Fri)

Call rec'd from attorney representing Society Bank (Bruce Elliott) early this morning, highly agitated. Stated that they had two closings scheduled for this afternoon and that certificates of occupancy were being refused. Told him that Dykema now attorney of record for the Village but as courtesy, I'd make inquiry. Contacted Mary Ann for background but being cognizant of prior requests, did not 'start the clock' for that call. Then called Bruce Elliott and discussed further...two additional phone conversations, with (at varying times) participation by Pat Merkel (construction super?), Karl Frankena (another attorney in Elliott's office) and Mary Ann.

Society Bank's position was stated at one point in terms of possible legal action, though pulled back when challenged as to grounds. Tone was primarily of a perceived problem and how to deal with in order to preserve sale, fairly cordial.

I told Society Bank reps that typically this would be a matter best 'quarterbacked' by the Village Manager but that he would be absent until Monday. Additionally, I understood from Mary Ann that she had been instructed to wait until Monday to deal with the Cottonwood matter and so could not take any significant initiatives.

My recommendation was that to the extent it appeared that Council action was in order (i.e., to amend final site plan approval for Phase III to limit to one structure only), it would make sense to postpone closing until at least next Tuesday. When told that movement of furniture and occupancy were being counted upon by purchasers and that delay might threaten sales, I suggested that a conditional occupancy permit be sought which made clear that favorable Council action of the kind recited above was necessary in order for the structure and its occupancy to be in full compliance with the Dexter Zoning Ordinance.

**Subsequent events (c. 2:30 pm): A solution proposed by the County Building Inspector's office is now being pursued, to wit: a "partial" permit. This should eliminate need for Council action at this time.

To: Mr. Mc Cue, Dexter Village Manager

From: Tim Klever *Tim Klever*

Date: August 13, 1992

Re: Request for information

Evaluation of Cottonwood Condominiums in relation to providing money for sidewalks to the village and the final inspection of the property as well as meeting all promises to the village in regard to completion of the project as specified by the developer.

Please provide me with the last two quarterly reports by the village zoning inspector.

I would also appreciate an written explanation why an unlicensed vehicle or mobile home can be kept in the front yard contrary to the written ordinances of Dexter as long as it is 1. running and 2. has a for sale sign on it.

The developer of Cottonwood condominiums promised many things to the village and the village provided variances, land exchanges etc to aid this project.

I would like to know if the sidewalk money promised was ever received and what is going to be done to assure the completion of the project as promised. The removal of the dirt, rubble and storage trailers, proper grading and landscaping, sidewalk money and a time table for completion.

Thank you

Page 2 Third Quarter Report 1992

DATE: SUBJECT:

- July Cottonwood Condos Phase III became a volatile situation which nearly culminated into a lawsuit threatened by Society Bank. Mr. Long became involved to help clarify the long, difficult and confusing list of events that finally lead up to the action taken a year ago last July with an amendment to the final site plan.
- August Once the Burton Hoey property on (7980) Fifth and Central was put on the market, there was a constant and continual line of inquiry about the "supposed" multiple-family use of the property. A memo was drafted and sent to the planning commission discussing the problems surrounding the perceived use of the property and the possibility of researching a plan to address the problems being seen by the deterioration of the large old homes in the Village and the alternatives for residential use.
- August Political signage was another issue that came up continually.
- August Zoning Board of Appeals fees and their "appropriateness", particularly given the fact that article IV forces nearly every property into a non-conforming use position, was sent to the Council for temporary relief application.
- August Continued concern about the Cousins Heritage Inn project and it's completion date was noted several times. For the most part, the concerns were made by the same 3 individuals.
- August Request was made by Village Manager to qualify the actual zoning classification of 7890 Forest. Mr. Long and Zoning Administrator discussed the problems caused by the incorrect recommendation by planning commission and subsequent approval of planning commission's recommendation and the proper solution to resolve the problem.
- September The Grohs Chevy illegal dumping was not completely addressed by the Village Manager. Zoning Administrator will wait for a written report to file.
- September Home occupation inquiries were numerous this quarter. (about 7 calls pertained to the subject of home occupation)
- September A FOI request kept me extremely busy through most of the third quarter, because the first report was lost and I

Memorandum

To: Jim Palenick, Village Manager

From: Pat McKillen, DPW Superintendent

Date: March 20, 1990

Re: Placement of Sidewalk for Cottonwood Condominiums

Below is the material and cost estimate for placement of sidewalk for Cottonwood Condominiums, running from Second St. to Hudson Court, encompassing a total of 230 lineal feet. This figure, multiplied by five (the width of the sidewalk), results in 1,150 square feet.

Concrete	15 yd. @ \$60/yd	\$900.00
(4" thick, 6 sack cement)		
Grass Seed	50 lb. @ \$3.00/lb.	150.00
Topsoil	20 yd. @ \$8.00/yd.	160.00
Sand	35 tons @ \$2.50/ton	87.50
Poly Seal	5 gallon pail	70.00
Expansion Joint	50 ft. @ \$.43/ft.	21.50
Equipment Rental	1,150 sq. ft. @ \$.40	450.00
Labor	\$1.15 sq. ft. @ \$1.15	<u>1,325.00</u>

TOTAL \$3,164.00

Total cost per square foot: \$2.75

tables request

DEXTER

Klever, a resident in the neighborhood of the project, has been an opponent of the project and claimed that Palmer has not heeded the wishes of area residents.

Each time the project has come up before council, Klever has stated his opposition, voicing the concern that increased traffic would pose a threat to the safety of children on the block.

Final approval was granted with the stipulation that Palmer pay for sidewalks along Hudson Street to where his condo project will be located. The cost of the sidewalk is estimated at \$3,500-\$5,000.

In other business, the council agreed that local property owner Burton Hoey has violated several zoning ordinances and directed the village attorney to decide whether to formally file suit against him. Hoey claimed he is not in violation and threatened to expose everyone else in town who is in violation of the ordinances.

The council also agreed to use the village's option to buy 20 acres in the industrial park at a cost of \$60,000.

Rezoning paves way for condos

By SCOTT MINER
NEWS SPECIAL WRITER

DEXTER — Some local residents are grumbling, but the village's first condominium complex seems headed for construction.

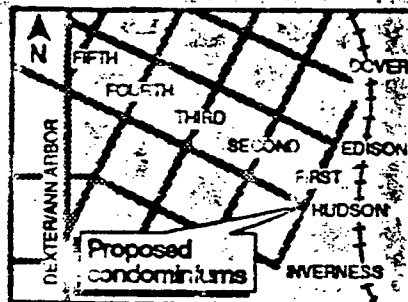
The 5.4-acre site along Hudson Street, **DEXTER** now a vacant field except for the home of Ned Palmer, will be developed for 42 condos priced in the \$85,000-90,000 range. Plans call for some buildings to house four units and others to house two units.

The Village Council Monday approved a rezoning that will allow Palmer, who owns the property, to proceed with his plans. Although the R3 zoning would permit rental units, Palmer said his intention is to build quality condos that would be owned by their occupants and would not detract from the neighborhood.

Rental units were considered less desirable by everyone present at Monday's council meeting.

About 35 local residents were present Monday when the council reviewed the rezoning request. Tim Klever, a critic of the condo proposal, came armed with a petition listing the names of 92 people opposed to the zoning change.

Klever, a candidate for a seat on



NEWS MAP

the Village Council in the March election, said the condo project would increase traffic, create more noise and present hazards to children in the neighborhood.

He also asked the council to have a traffic study done in the area. Klever said he wasn't given much of a voice when the Dexter planning commission recommended the plan's approval, and said there was little public notice before council's action on it.

Village President Paul S. Bishop said statements contained in the petition were basically wrong. "Some of it is conjecture. Many of the facts aren't necessarily true," he said.

"The council is trying to improve the community and the project would be good for the community," Bishop said. The idea of condos in Dexter "is a different lifestyle than Dexter is used to," he said.

The condo development is expected to generate about 100,000 in taxes for the village.

Palmer, also a candidate for the council in March, has spent about \$10,000 so far on the project. That includes drawing up plans and conducting various engineering and feasibility studies on the land.

LONG, CLARK & BAKER
ATTORNEYS AT LAW
320 NORTH MAIN STREET
SUITE 100
ANN ARBOR, MICHIGAN 48104

RECEIVED JAN 17 1993 *img*

TELEPHONE
663-8111
AREA CODE 313

PETER A. LONG
E. SPAULDING CLARK II
BASIL A. BAKER

March 28, 1991

Mr James Palenick, Village Manager
Village of Dexter
8140 Main Street
Dexter, Michigan 48130

Dear Mr Palenick:

We have been asked whether an agreement previously entered into between the Village of Dexter and a private party in connection with a proposed real estate development is binding upon future owners of that property.

For the purposes of this letter I have assumed (and my conclusions are based upon the accuracy of) the following facts:

The Dexter Highlands Off-Site Development Agreement ("Agreement") was entered into between the Village and Dexter Highlands Limited Partnership ("DHLP") on August 28, 1981. The purpose of the Agreement was stated to be to "insure that certain off-site improvements are installed to properly service" the proposed Dexter Highlands development while noting that "the nature, extent, phasing and cost-sharing of said improvements is crucial to the viability of the existing Village of Dexter." Among other matters agreed upon between the Village and DHLP were the latter's undertakings to provide certain road, water supply and sanitary sewer improvements, to enter into a subdivision escrow agreement, to donate certain parcels for park purposes and to undertake development in specific phases. The Agreement was entered into in connection with the rezoning of the subject property.

If the Agreement may be viewed as so-called "contract zoning", it will be void and of no effect whatsoever. Not only the Agreement but the rezoning classifications themselves would be in jeopardy. One theory behind this prohibition is that the municipality, in passing a zoning ordinance, is engaged in legislating and not in contracting; this means no one is bound to the municipality and the municipality binds itself to no particular owner as a result. Also, because governing law requires that regulation within a given district be uniform throughout that district, special

To: Village Manager Mr. McCue, Village President, Trustees and
Planning Commissioners

From: Timothy J. Klever

3580 Hudson St. Dexter Michigan

Date: October 15, 1992

I wish that this be entered into public record as correspondence at the next Council meeting and Planning Commission meeting.

This letter will serve to address what I consider certain improper and illegal zoning which has taken place over the past decade in the Village of Dexter.

Arbitrary "contracts" were entered into by the village on two large parcels of property, the former Eck property and Blanchard PUD. Complicating the issue is the fact that correct legislative procedure was not adhered to.

Two recent requests have again brought these properties back into the spot light.

1. The request to build a strip mall on Ann Arbor Dexter Rd. on the former Eck property. This continues the improperly zoned use of this land.

2. The recent request to continue the P.U.D. for the Blanchard property only serves to continue the illegality of the zoning on this piece of property.

There are several problems with the zoning on the Blanchard PUD. From the outset the Village entered into a "contract" with the owners in regard to the Blanchard PUD property, it was an agreement struck between the owners and signed by former President Paul Bishop when the I.P. property was purchased from these people.

This zoning and subsequent land use were part of the sales agreement and not part of a "legislative" zoning process that is required to take place by law.

On March 19, 1986 Mr. Bishop stated that the purchase of the 120 acres of the Hoey Project is contingent upon the Pud Zone for an additional 50 acres of this land. This is contact zoning.

At the same meeting a Planned Unit Development classification was added to the Zoning classification.

One need only examine Paragraph 11C of the Sales Agreement Addendum dated April 3, 1986. This agreement states that the property is being zoned "administratively" at the signing of the agreement to purchase.

The zoning agreement signed by then President Paul Bishop is in fact illegal.

To further complicate the issue, due process to establish zoning in the legislative manner required by Public Act 207 was also ignored by the president and council at that time.

This legislative process requires that proper notifications and public hearings that correlate to specific procedural steps take place. There is no indication that proper notice or publication for public hearings were followed.

The following documents support the fact that "contract" zoning took place for the Blanchard PUD.

1. A Planning Commission meeting that discussed the purchase of property with contingency on PUD zoning. March 19, 1986 Meeting.
2. The purchase agreement for the property is the absolute point. There is no indication that any legal advice was sought regarding the this agreement and the possible legal issues involved.
3. The Blanchard request for a PUD was never completed. It was a PUD THROUGH THE CONTRACT PROCESS. The PUD was approved prior to an "area plan" being considered which is in reverse of what is suppose to happen.
4. The application process was never properly followed in terms of meeting what the law requires.
5. All the rezonings were done in one huge amendment.

It appears that these actions were taken to facilitate the purchase of the Industrial Park property.

3.

The Eck Property was handled in a similar fashion.

The Village entered into an agreement contract with the Dexter Highlands Limited Partnership on August 28, 1981.

This agreement dealt with off site improvements etc. in exchange for rezoning of the property.

This can also be characterized as a "contract zoning" situation.

It was an agreement between the village and this particular developer to zone the property in a manner specified by this developer's plans for the property.

On October 12, 1981 Trustee Bishop, supported by O'Haver, moved to adopt the map dated September 17, 1981 as the zoning for the Dexter Highlands property.

It also should be noted that this zoning was not a "legislative" procedure as required by law.

There is no record of public hearings with correctly verified public notice or any adjacent property owners be notified, these are all a part of the process required by Public Act 207.

The Dexter Highlands Limited Partnership forfeited on the land contract for this property on 8/85 and it went back to the Eck estate.

At that time this negotiated or illegal contract zoning should have ended. The property should have been rezoned in a proper legislative manner that would have ended this contract with the developer.

Recently, a 1991 opinion from the Village Attorney to then Village Manager James Palenick, per Village request, gives his opinion regarding this property and its zoning.

This opinion is worth reading. It points out the illegalities of the zoning.

The question arises as to why a legal opinion was not sought by council in 1981 and again in 1986 on these properties.

4.

It appears that in 1981 and again in 1986 real knowledge of zoning, planning and the laws pertaining to implementation process were ignored.

Former Presidents and councils may plead ignorance, but was it ignorance or just the fact that these projects were being pushed by members of the governing body at that point in time.

It certainly appears that the village could be in quite a "pickle" if people were to challenge the zoning on these properties.

The challenge process would start in District Court.

For all intents and purposes if challenges were to hold up, the strip mall would at least be delayed.

The Blanchard PUD could and would most likely be considered a contract and illegal.

Now who pays for those mistakes?

Who pays for the rezoning process?

What would litigation cost the village?

What are the implications of development on these parcels?

If it is being sold with this illegal zoning attached what is the position of the village if it were challenged?

Approved

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS
JANUARY 11, 1993

BILLS DUE (PAGE 1)	\$ 34,034.44
HAND CHECKS (PAGE 2)	299.50
CONST/ENG FUND CHECKS (PAGE 2)	100,000.00
PAYROLL COSTS (PAGE 3)	12,188.59
PETTY CASH (PAGE 4)	<u>92.04</u>
TOTAL BILLS AND PAYROLL COSTS EXPENDED ALL	
FUNDS	<u>\$ 146,614.57</u>

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: JANUARY 11, 1992

PAGE 1

PAYEE-EXPLANATION	CODE	TOTAL	101 GENERAL	202 MAJOR ST	203 LOCAL ST.	590 SEWER	591 WATER
ANN ARBOR TRANSPORTATION	965-95003	1,557.50	1,557.50				
ANN ARBOR IMPLEMENT	441-937	130.23	130.23				
AT&T CSC	548-853	19.90				19.90	
CARPENTER HARDWARE	265-935	26.50	26.50				
CASE POWER EQUIP.	441-939	1,155.60	1,155.60				
D&C PLUMBING/HEATING CO	556-937	19.46					19.46
DETROIT EDISON							
3620-3676CENT/WA TOW	556-920	2,341.43					2,341.43
8360 HURON-2 MONTHS	548-920	8,833.78				8,833.78	
8014;7982;8140;8050MAIN-VARIOUS		589.33	589.33				
DEXTER OFFICE SUPPLY	VARIOUS	174.28	158.41			15.87	
DEXTER, VILLAGE OF	VARIOUS	34.13	27.24			6.89	
DYKEMA/GOSSETT-11/92	101-803	686.01	686.01				
E. JORDAN IRON WORKS	556-93701	147.96					147.96
ETNA SUPPLY CO.	556-93701	85.83					85.83
GREAT LAKES OFFICE SYS.	172-727	109.49	109.49				
GROSS EQUIP/FELDKAMP	441-939	25.00	25.00				
HACH	548-743	49.80				49.80	
HACKNEY ACE HARDWARE	VARIOUS	475.39	349.88	7.27		91.59	26.65
LAVONNE'S CLEANING 11/92	265-935	140.00	140.00				
LEN'S RUBBISH/122-92CONT	528-816	10,678.67	10,678.67				
" " /RECYCLE	528-816020	1,388.36	1,388.36				
MCCUE/REIMB MILEAGE	172-861	98.19	98.19				
MI BELL-426-8530	441-853	63.89	63.89				
MICHcon/8140&8050 MAIN	VARIOUS	1,252.50	1,252.50				
" "/8360 HURON	548-920	1,067.86				1,067.86	
PARTS PEDDLER	VARIOUS	290.49	191.08			16.28	83.13
RECYCLE ANN ARBOR	528-816020	230.00	230.00				
RONALD A. MEYER ELECTRIC	751-977	554.17	554.17				
TOKAI FINANCIAL/LEASE	172-941	193.80	193.80				
SCIO ELECTRIC SERVICE	265-935	35.00	35.00				
S.F. STRONG, INC.	441-740	105.03	105.03				
UMSTEAD MANUFACTURING CO	441-740	45.00	45.00				
WEAR-GUARD	441-740	280.86	280.86				
WILLIAMS SEWER SERVICE	548-826	190.00				190.00	
WYERS PLUMBING INC.	301-935	959.00	959.00				
TOTALS		34,034.44	21,030.74	7.27		10,291.97	2,704.46

VILLAGE COUNCIL PROCEEDINGS

DATE: JANUARY 11, 1993

PAGE 2

HAND CHECKS ISSUED:

<u>PAYEE-EXPLANATION</u>	<u>CODE</u>	<u>AMOUNT</u>
U.S. POSTAL SERVICES/FILL POSTAGE METER	101-172-727	200.00
U.S. POSTAL SERVICES/UTILITY BILLS	101-528-727	99.50
	TOTAL	\$299.50

CONSTRUCTION AND ENGINEERING BILLS:

<u>PAYEE-EXPLANATION</u>	<u>CODE</u>	<u>AMOUNT</u>
CONSTRUCTION/ENG FUND TO L.D.F.A.	251-733-965.395	\$100,000.00

PAYEE-EXPLANATION	TOTAL	101 GENERAL	206 FIRE	202 MAJOR ST.	203 LOCAL ST.	590 SEWER	591 WATER
<u>PAYROLL COSTS - DECEMBER 26, 1992</u>							
FERN JACKSON	332.53						
JANET C. KARVEL	430.71						
MICHAEL J. MCCUE	679.79						
LARRY N. WAGNER	375.78						
MARY ANN LAMKIN	167.90						
KURT J. AUGUSTINE	415.32						
KEITH L. KITCHEN	367.86						
PATRICK A. MCKILLEN	558.52						
BRUCE T. WHITLEY	344.30						
THOMAS C. DESMET	667.96						
ANDREA M. DORNEY	742.79						
EDWARD A. LOBDELL	515.70						
DANIEL L. SCHLAFF	416.47						
LARRY C. SEBRING	406.44						
TROY MALONEY	61.67						
TOTALS	\$6,483.74						

PAYROLL COSTS - JANUARY 02, 1993

FERN JACKSON	421.70
JANET C. KARVEL	374.12
MICHAEL J. MCCUE	679.78
LARRY N. WAGNER	526.09
MARY ANN LAMKIN	
KURT J. AUGUSTINE	383.33
KEITH L. KITCHEN	429.16
PATRICK A. MCKILLEN	558.52
BRUCE T. WHITLEY	344.30
THOMAS C. DESMET-V.T.+HOL	
ANDREA M. DORNEY	422.21
EDWARD A. LOBDELL	515.70
DANIEL L. SCHLAFF	416.47
LARRY C. SEBRING	563.47
TOTALS	\$5,634.85

TOTAL PAYROLL COSTS - \$12,118.59

DEXTER VILLAGE COUNCIL

PETTY CASH

JANUARY 11, 1993
(NOVEMBER & DECEMBER)ADMINISTRATION

MILEAGE TO SOCIETY BANK	101-172-861	\$	17.92
POSTAGE MML MATERIALS/MCCUE	101-172-727		2.90
MISCELLANEOUS SUPPLIES	101-172-956		50.23

SEWER DEPARTMENT

WASH TRUCK	590-548-939		4.00
LAB EQUIP REPAIR POSTAGE	590-548-727		6.99

WATER DEPARTMENT

KEROSENE	591-556-751		<u>10.00</u>
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TOTAL BILLS AND PAYROLL COSTS EXPENDED ALL FUNDS	\$	92.04
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I am coming before you this evening to address comments and allegations made by Mary Ann Lamkin and Carl Willoughby at the January 4, 1993, meeting of the Village Council.

As part of her presentation Ms. Lamkin claimed a forged site plan for Cousin's Heritage Inn had been removed from the Village office. While she did not directly accuse me of removing it I believe that she tried to implicate my involvement by stating I had the only other key to the office. This is not true, Loren Yates, Philip Arbour, Thomas Desmet, Patrick McKillen, Rita Fischer, Fern Jackson, Janet Karvel, Sandra Egeler, James Palenick, James Levliett, Michael McCue, Ms. Lamkin, and Lavonne's Cleaning Service all have or have had keys to the Village Offices during the past 18 months.

Ms. Lamkin made several comments relating to a zoning violation involving a vehicle I own.

I did have a vehicle parked on a cement drive outside of my garage door at the side of my home and not hidden as stated by Ms Lamkin. My intent was to sell the vehicle as I had purchased another car. Mr. McCue did tell me I was in violation of the Village Ordinance as its plates were expired. I asked him how I could sell my car if I could not display it for sale in the Village. He told me he would check the ordinance. Subsequently he told me I must move the vehicle. I did move it to a location outside of the Village limits, to the Gerald Wheeler residence, at 7015 Joy Road. In August when I saw vehicles with for sale signs parked in the right-of-way at Trustee Adams home and Trustee Gregory's home I brought my car back to my home and put a "for sale" sign in it. It is true that Ms Lamkin put a notice of violation in my door. Two days after I received the notice, a part of a conversation I had with Village Manager McCue centered on my belief that there is a problem with the Village ordinance. While I support the intent of the ordinance to keep junk cars from the right-of-way, etc. I feel citizens have a right to sell a vehicle. I suggested perhaps a permit imposing a time limit would be a possible solution, and I hoped the planning commission and Village Council might look at the ordinance to seek a solution. I also stated that the way the ordinance stands it puts the zoning administrator in an awkward position having to make an arbitrary call about what is a reasonable length of time for the citizen to complete such sale. I later shared my opinion with Village President Arbour in Mr. McCue's presence. At no time did I take issue with Ms Lamkin issuing the violation nor mention my opinion regarding possible amendment to the ordinance to her or anyone other than Mr. McCue and Mr. Arbour.

Ms Laura Leadholm and I became friends in the month of October of 1992. She called me on the advice of her former Girl Scout leader and my close friend Judy Wheeler. Ms. Leadholm was in the process of a legal separation and asked my advice, based on my personal experience, regarding her obtaining legal counsel to represent her in her pending divorce. We talked for sometime and ended our conversation with her plan to give thought to some of my

suggestions. Sporadically, I would receive a telephone call from Ms Leadholm or I would make one to her to lend emotional support to her and her two small children. During one of these conversations, we talked about single parenting and how difficult and frightening financial issues can become. I told her I understood her concern and made comment about my personal dilemma, that of having a car in violation of the Village Ordinance. That I could not afford to insure it and purchase plates for it but that it had been tagged and if I did not remove it I would be fined, I fine I could not afford either. At this point she informed me she had a three car garage and could store it for me. I told her I did not want to impose on her generosity, but if I needed to do that I would call her. She insisted that it was no problem and that she hoped she could return a favor. Four days later I decided to take advantage of her offer and moved my car to that site.

Ms Leadholm and I have talked about life as a single adult with young children on several occasions. We do not have political issues in common. Her involvement in Village government came about through contacts other than myself. Ms Leadholm's questioning of Ms Lamkin was not prompted by me and was done without my knowledge. As a planning commission member she received a copy of Ms Lamkin's quarterly report which stated Ms Lamkin allowed an individual at 3565 Hudson to leave another type of vehicle in the Village right-of-way until it was sold. Ms Leadholm made inquiry based on that report entry.

Ms. Lamkin stated that she "wasn't picking on Mrs. Fisher, I should have been though, I know a lot of what's happened in my office is because of her key".

At no time during the past 12 months have I loaned my office key to anyone. Once during my 10 year tenure as Clerk, I loaned my key to the then Chairman of the planning commission, Sue Betz to allow her to open the office for a meeting of the site plan review committee. She returned that key to me approximately 1 1/2 hours after she picked it up at my home. At no time during the past 12 months have I opened the office to allow entry to anyone other than myself, excepting on two occasions when I was accompanied by my 12 year old daughter. Twice during my tenure as Clerk, last February to be exact, I allowed three citizens who filled out freedom of information requests to read through Council and DDA minutes under my supervision. On one of those Saturday occasions Ms Lamkin, her husband Steve Lamkin and Fern Jackson were also present. I am not the only person to frequent the Village Office on weekends although it is a rare occasion when I do.

I have never removed a minute book, voter registration book or file, Village map or any other Village records from the Village Office. The only material or information that I have kept or worked on at home has been notes of meeting minutes to be entered into Work Perfect at the office, voter registration lists, and copies of the Village ordinances and the Village charter which I carry to meetings. To my knowledge there has been no history of problems with Village records until the allegations of the past 12 months made by Ms Lamkin, to be followed by the comments made by citizen Carl Willoughby.

Mr. Willoughby made a statement regarding Village records disappearing and reappearing when he was employed by the village and that some documents reappeared a couple months ago. I respectfully request Mr. Willoughby list in writing the specific documents that disappeared/reappeared and those that reappeared recently. I ask who was clerk at the time he believed this was happening, from what authority did he receive such information and how does he know such information if accurate.

For Ms Lamkin to say I made an error, that I am ignorant of the law or that I don't have command of the written word as she sees fit would be tolerable for me as I believe she is entitled to her opinion. But to accuse me of deliberately tampering with official records or enabling others to do so, I believe is unfair and simply not true.

Ms Lamkin stated that Fern Jackson told her that I said she had been fired from a job. That is not true. I said, in response to a comment to me initiated by Ms Jackson on December 30, 1992, Ms Jackson's saying that she was sorry for what Mary Ann was trying to do me, that I too was sorry and that I believed Ms Lamkin had problems in the past in her working relationships and that there was nothing I could do to help the situation.

Ms Lamkin has charged that various individuals have joined a conspiracy to force termination of her employment.

In closing, I wish to state that I sincerely believe that the members of the Village Parks Commission, the Planning Commission, the Village Council, the Village Treasurer and the Village Clerk are people involved in community service because they care about their town and the environment they live in. I see them as people who give their personal time to fact finding, listening to constituents' opinion and meeting attendance. They are networked in common concern for the betterment of their community. I call this working together. There is no conspiracy.

Donna L. Fisher
1-11-93

RESPONSE TO ALLEGATIONS
BY
MS. MARY ANN LAMKIN
JANUARY 4, 1993

Date of Presentation: January 11, 1993

1. CLAIM: Mr. Tom Desmet was in a "partying mode" on December 23, 1992 and was not a fit witness.

FACT:

I spoke with Mr. Desmet on January 6, 1993 regarding this matter. Mr. Desmet told me that he had one beer at lunch at approximately 1:30 p.m. on December 23, 1992. Mr. Desmet also indicated that he had not taken any illegal drugs any time that day. I saw no indications of intoxication. He did not exhibit slurred or impaired speech, nor did he appear to have difficulty controlling his motor skills. I have found that there is no basis for Ms. Lamkin's claim of intoxication.

2. CLAIM: I had threatened her with disciplinary action if she did not change the zoning map for the Gochanour rezoning question.

FACT:

Ms. Lamkin was never threatened with any type of disciplinary action if she did not change the zoning map. Further, she was asked for her professional recommendation on how to appropriately and legally correct the zoning map.

3. CLAIM: Spot zoning at the Dexter Intergenerational Center Site.

FACT:

As Ms. Lamkin noted, this occurred before I began work in Dexter. Her disciplinary action was unrelated to her belief that this was spot zoning.

4. CLAIM: I did nothing to investigate the ownership question regarding the rezoning of the Dexter Intergenerational Center Site.

FACT:

I am still exploring this matter. I am gathering evidence from the schools, the Dexter Intergenerational Center, and legal sources. I have never threatened Ms. Lamkin with any type of disciplinary action regarding this matter. Moreover, it is the Zoning Administrator's job to ensure that all paperwork relating to an application is in order. Because Ms. Lamkin knew that a property transaction had occurred, she should have checked all of the paperwork. Ms. Lamkin should have checked for proof of ownership at the following steps:

- 1) Submission of Application
- 2) Approval of Site Plan

3) Approval of Special Use Permit
Ms. Lamkin did not check for proof of ownership, as required in the zoning ordinance, at any of these steps. Moreover, if she had found that no proof of ownership existed, I was not informed at any of the preceding points in time.

5. CLAIM: Ms. Lamkin's computer has been tampered with and files were destroyed on the computer.

FACT:

I have reviewed this matter and have found no evidence to support this allegation.

6. CLAIM: Mrs. Sandra Hansen, wife of the School District Superintendent, has a conflict of interest because of an investigation of the school district regarding the Intergenerational Center property sale. Ms. Lamkin has now gone to the State Police over this issue.

FACT:

According to state law, and the Village Attorney's opinion, there is no conflict of interest in this situation. Moreover, Ms. Lamkin's claim of recommending her termination as retaliation is wrong. She did not notify anyone of this State Police Investigation until after her suspension. In addition, the State Police did not have any specific allegations when I spoke with them. Therefore, her suspension cannot be in retaliation for going to the State Police on this matter. It is my understanding that conflict of interest is not a criminal offense; therefore, the State Police would have no reason to investigate this issue.

7. CLAIM: I tried to "boot" Mr. Cynar off his property.

FACT:

Ms. Lamkin and I noticed that his property was in non-conformity in the late summer. Since he had a tenant in the house, we allowed him to continue this dual use until the lease expired (November). We believed that this was a fair way to work with both Mr. Cynar and his tenant. It should be made clear that his tenant approached me about problems and that I did not approach the tenant. Moreover, I did not say that I wanted to "boot" Mr. Cynar off his property. I did inform the tenant that Mr. Cynar did have an illegal dual use and that we had given him until November to rectify the situation.

8. CLAIM: Trustee Paul Cousins illegally dumped construction material behind Frank Grohs Chevrolet and I did not enforce the Village Ordinance.

FACT:

The Village's Solid Waste Management Ordinance, Article VI, Paragraph B, states:

"It shall be unlawful for any person to dispose of any construction

refuse in the Village unless such refuse is disposed of in accordance with the provisions of an approved permit issued for same by the State of Michigan or the County of Washtenaw."

When I was first notified of this matter, I contacted Mr. Brian Smart from the County. He inspected the site and determined that no violation existed. Based on the County's response, I concluded that no violation existed. (Please see attached letter)

9. CLAIM: I did not allow Ms. Lamkin to communicate with the Village Council.

FACT:

I have applied this policy evenly to all staff members since I have been here. This is a common practice among managers in Michigan and throughout the United States. This allows for the efficient and consistent flow of information from staff to Council. However, it never is meant to prohibit staff members from doing their jobs.

10. CLAIM: Files were stolen from Ms. Lamkin's office and file cabinet.

FACT:

When Ms. Lamkin had informed me that files were missing from her file cabinet and office, I asked her to provide me with specifics. Who may have taken them? Approximately when did they disappear? When asked for this information, Ms. Lamkin did not provide me with any facts. A missing file may mean that it was lost, it was stolen unscrupulously or was removed by the Zoning Administrator. Without any sort of proof, it is extremely difficult to investigate. I disagreed with Mr. Desmet's recommendation for a locked file cabinet because there were no specifics and no proof that anyone had tampered with the files. I deny that I took any disciplinary action against Ms. Lamkin because of these complaints.

11. CLAIM: I forced Ms. Lamkin to attend Planning Commission meetings.

FACT:

Ms. Lamkin's attendance at Planning Commission meetings is critical to her job. It is so critical that when the Village advertised for the position, we noted that attendance at night meetings would be required. The Zoning Administrator/Planner position assists the Planning Commission. Since the Planning Commission meets at night, that is the only time Ms. Lamkin could effectively assist the Commission. She must be able to effectively serve the Planning Commission and the Village. To do so requires her attendance at Planning Commission meetings. Since the Zoning Administrator/Planner must know the Zoning Ordinance and the changes and planned changes thoroughly, attendance at Planning Commission meetings is extremely important.

12. CLAIM: There was a break in of an administrative assistant's desk drawer.

FACT:

Again, this occurred before my tenure as Village Manager began. However, the Sheriff Department closed the case on this matter several months ago due to lack of evidence. I do not know who did this.

13. CLAIM: The disciplinary action regarding Ms. Lamkin's conduct at the October 5, 1992 Planning Commission meeting was late; and, I did nothing to control her at the meeting.

FACT:

It took several days to give Ms. Lamkin her written warning because I was out of town at two seminars at that time. In addition, I wanted to get legal counsel's advice on this matter. I also told Ms. Lamkin at the Planning Commission meeting that she needed to calm down. Ms. Lamkin did not deny her behavior at this meeting which was the cause of the disciplinary action.

14. CLAIM: I was avoiding the Planning Commission Meeting on July 20, 1992.

FACT:

After 20 hours of labor, my wife had a c-section to deliver our son on July 19, 1992. Because of this, I spent the day, July 20, 1992, with my family. After visiting hours were over, I returned to the office to check on various things and to catch up on some work. This was approximately 11 p.m. July 20, 1992.

15. CLAIM: I did nothing to protect her from Ms. Hannah Liddiard and ignored the issue regarding political signs.

FACT:

This issue happened almost two months before I began here. I had understood this issue to be dead. Ms. Liddiard did not make comments to me about firing Ms. Lamkin. She did not direct me to make attempts to fire Ms. Lamkin. However, she did express her concerns with Ms. Lamkin's behavior at Planning Commission meetings. I did speak with Ms. Liddiard regarding Ms. Lamkin's concerns about the Planning Commission.

16. CLAIM: I was unwilling to handle a poison ivy problem due to "political" pressures.

FACT:

I addressed Mr. Nagy's problem while Ms. Lamkin was out on vacation for two weeks. I told Mr. Nagy that Ms. Lamkin would cite the adjacent property owner when she returned from vacation. At no time did Mr. Ritchie come into my office or even discuss with me this situation. There was no "blow up" as Ms. Lamkin claims. In fact, Ms. Ruth Doletzky is the property owner who was informed of the violation. It was not Mr. Ritchie as Ms. Lamkin indicated.

17. CLAIM: The Code of Ethics do not apply to elected officials or appointed officials.

FACT:

The Code of Ethics as adopted by the Village Council applies to all elected and appointed official and to all employees. (Please see attached)

18. CLAIM: The new Personnel Manual was pushed through Council.

FACT:

The new personnel manual was developed from existing laws and the Village's existing personnel manual. In addition, it was approved as an ordinance by the Village Council. Moreover, a public hearing was held on the matter so that comments may be heard regarding the Personnel Manual.

19. CLAIM: I "intercept" Freedom of Information Act requests.

FACT:

According to the Freedom of Information Act Policy as approved by the Village Council, all FOI requests are routed to the Village Manager, and, if appropriate, delegated to the appropriate person for completion. Moreover, the Village Freedom of Information Act policy complies with the State Law requiring requests to be forwarded to the Village Manager. (Please see attached)

20. CLAIM: Ms. Lamkin claims she apologizes if she is wrong or if she is rude to someone.

FACT:

Ms. Lamkin's recent letter to Mr. Bruce Waggoner was extremely rude and entirely out of line. No one has the right to accuse another person of "crimes against humanity" without justification. The letter was so rude, unprofessional and abusive, the Village President and I were compelled to write a letter of apology to Mr. Waggoner for Ms. Lamkin's actions. Moreover, this is one of the key reasons for recommending her termination. It should be noted that this letter was written by Ms. Lamkin in her role as a Village employee and as the Zoning Administrator/Planner. Not only was this letter composed on Village time, it was also sent with a Village envelope and using Village postage. Several weeks have passed and I have not heard that Ms. Lamkin has yet apologized to Mr. Waggoner.



DEPARTMENT OF ENVIRONMENTAL SERVICES

4101 Washtenaw Avenue, P.O. Box 8645, Ann Arbor, MI 48107-8645

BUILDING INSPECTION DIVISION (313) 971-1441 ENVIRONMENTAL HEALTH DIVISION (313) 971-4542
FAX (313) 971-6947

Micheal McCue
Village of Dexter
8140 Main Street
Dexter MI 48130

1.11.93

RE: Groh's Chevrolet

Dear Mr. McCue,

As per your request, this letter is to confirm that the dumping behind Frank Groh's Chevrolet, located on Dexter - Ann Arbor Rd., was within the confines of the Soil Erosion and Sediment Control Act.

Twice during the dumping time period I made site inspections and measurements to confirm that the site was within limits. I was also in contact with Jeff Groh's and a representative of Phoenix Contactors regarding dumping limits. I informed Jeff that since he was in fact the property owner, he would be required to secure the proper permit to continue dumping if he exceeded the legal one (1) acre of disturbed land.

Both site inspections involved measurements of the disturbed area, the first measured to approximately 37,000 sf, with the second approximately 38,900 sf. With one (1) acre totalling 43,560 sf, the dumping area was within the confines of the legal amount of disturbed acreage.

In addition, I informed Jeff Groh's that some of the materials found were, what is considered "illegal" fill materials, i.e., metals, plastic, glass, and marginal building materials. These indeed had to be removed. A followup inspection showed that the area had been cleaned and raked.

If you have any other questions or concerns, do not hesitate to call at 971-2270.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian Smart".

Brian Smart
Soil Erosion Control Officer

M E M O R A N D U M

TO: All Village Officials, Elected and Appointed, and all Village Employees

FROM: Michael J. McCue, Village Manager *MJM*

RE: Code of Ethics

DATE: September 29, 1992

Transmitted herewith is a copy of the Village's Code of Ethics that was adopted by the Village Council on September 28, 1992.

This document is intended to be a guide for your use and reference as you conduct and participate in the official business of our Village.

Government at all levels in recent years has undergone intense public scrutiny. Villages and cities of all sizes, counties, states and even the federal government are writing Codes of Ethics policies.

As you review the attached document, please note that it is divided into two sections e.g. first the actual Code of Ethics Policy and a section entitled Integrity and the Village. The latter section is designed to provide additional explanation on the Ethics Policy.

Should you have any questions, please feel free to contact me.

Code of Ethics
Village of Dexter

SECTION 1. PUBLIC POLICY

It is hereby declared to be the policy of the Village of Dexter that all officials and employees must avoid conflicts between their private interests and those of the general public whom they serve. Every citizen is entitled to have complete confidence in the integrity of his government. Each individual official and employee must honor that trust by ensuring his or her conduct is above reproach in all official duties and types of actions. To assist employees/officials in identifying the types of actions to be avoided, a code of ethical conduct is hereby promulgated as follows:

A. Gifts and Gratuities

No Village official/employee of the Village of Dexter shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, property, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him or her in the performance of their official duties or is intended as a reward for any official action on their part.

B. Full Disclosure

No official/employee of the Village of Dexter shall participate, as an agent or representative of the Village, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she has a direct or indirect financial interest without first disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the officer or employee is a member of a decision-making or advising body, they must make disclosure to the chairperson and other members of the body on the official record. Otherwise, a disclosure would be appropriately addressed by the officer or employee to the supervisory head of their organization, or by an elected officer to the President of the Village Council.

C. OUTSIDE EMPLOYMENT

No official/employee of the Village of Dexter shall engage in or accept employment or render service for a private or public interest when that employment or service is incompatible or in conflict with the discharge of his or her official duties.

No official/employee of the Village of Dexter shall engage in a business transaction in which the public official, village official, or employee may profit from his or her official position

or authority or benefit financially from confidential information which the public official or employee has obtained or may obtain by reason of that position or authority.

D. Doing Business with the Village

No official/employee of the Village of Dexter shall engage in business with the Village, directly or indirectly, without filing a complete disclosure statement with the Village Manager for each business activity. This statement must be updated and refiled on an annual basis.

E. Use of Village Property

No official/employee of the Village of Dexter shall, directly or indirectly, make personal use of or permit others to make personal use of Village property of any kind. Officials/employees shall protect and conserve all Village property including equipment and supplies entrusted or issued to them.

It is the intention of this policy that Village officials and employees avoid any action, whether or not specifically prohibited above, which might result in, or create the appearance of a conflict of interest. This policy is not intended to prevent any official/employee of the Village of Dexter from receiving compensation for work performed on his or her own time as a private citizen which is not in conflict with this policy, the Dexter Village Charter and/or Village of Dexter ordinances.

This declaration is also not intended to apply to contributions to political campaigns which are governed by State Law.

SECTION 2. DEFINITIONS; AS USED IN THIS CODE

I. "Village official/employee" means a person elected, appointed or otherwise serving in any capacity with the Village of Dexter which is established by the Village Charter or by Village ordinance which involves the exercise of a public power, trust or duty. The term includes any official or employee of the Village, whether or not they receive compensation, including persons who serve on advisory boards and commissions.

II. "Decision making" means exercising public power to adopt laws, regulations or standards, render quasi-judicial decisions, establish executive policy, or determine questions involving substantial discretion.

III. "Substantial" means anything of significant worth and importance, or of considerable value as distinguished from something with little value, social tokenism or merely nominal.

IV. "Compensation" means any money, property, thing of value or benefit conferred upon or received by any person in return for services rendered or to be rendered to himself or another.

V. "Official duties" or "official action" means a decision, recommendation, approval, disapproval or other action or failure to act which involves the use of discretionary authority.

SECTION 3. INTENTION OF CODE

It is the intention from the above that Village officials and employees avoid any action, whether or not specifically prohibited by Section 3 which might result in, or create the appearance of:

- I. Using public employment or office for private gain;
- II. Giving or accepting preferential treatment to or from any organization or person;
- III. Impeding village efficiency or economy;
- IV. Losing complete independence or impartiality of action;
- V. Making a village decision outside official channels;
- VI. Affecting adversely the confidence of the public or integrity of the village government; or
- VII. Giving or accepting preferential treatment in use of village property.

ADMINISTRATIVE GUIDELINES

INTEGRITY AND THE VILLAGE

Given time to think about it, each of us could fashion our own working definition of integrity and all of these definitions might turn out to be surprisingly similar. That's because people generally have a good sense of ethics, a sense usually instilled by our parents and nourished by our society.

Most of us tend to think of integrity in these terms:

- * Integrity is fairness, honesty, evenhandedness and sincerity. It is a way of acting and behaving. More importantly, it is a way of thinking and of making judgments.
- * Integrity is a system of values that is constant. Integrity doesn't change, even in the face of shifting social standards and life styles.
- * Integrity is a positive force. It is a proactive attitude that makes good things happen; it is not just a check list of prohibited behavior.
- * Mostly, though, integrity is doing what we know in our hearts is the proper thing to do.

Integrity is not achieved simply through obedience to laws and regulations. The Village, like any organization, has responsibilities which go far beyond matters of law.

To the Village of Dexter, integrity means a special kind of fairness, honesty, evenhandedness and sincerity, a kind that transcends both the law and the values of individuals. It is achieved by observing an overriding set of ethical standards and by recognizing that the Village's actions and decisions impact a diversity of groups, including citizens, contractors, suppliers, the public, and of course, all village officials and employees.

WHY INTEGRITY IS IMPORTANT

Integrity on the part of our officials and employees is important for several reasons.

- * First, integrity is a significant standard because it assures that the Village's many obligations will be met by the people who are, in effect, working for the Village.
- * Integrity also is important because it is an obligation we have to our citizens as their representatives and to our fellow officials or employees.

- * Integrity is important because it enables us to have pride in ourselves, our work, and our village.
- * Integrity is also important, because it can help both the village and its representatives comply with the law; it may help avoid costly litigation.
- * Integrity also affects the quality and the effectiveness of our relationships with citizens, contractors, suppliers and government agencies.
- * And, integrity is important because it is the core ingredient of a reputation. Both our personal reputations and the village's reputation are crucial to our success.

PERSONAL REPUTATIONS

Each of us has a personal and a professional reputation. All of those who do business with you, whether they work for the Village or represent some other organization, form opinions if you can be trusted and if you can be relied upon to conduct yourself according to proper ethical standards. What they decide about you frequently is translated into their opinions of the entire community.

Trust is, after all, the key to good interpersonal relationships. It is why people work efficiently together; it is why they can make things happen quickly and smoothly.

A breach of ethics, therefore, does more than violate a legal or moral code. It creates a very difficult practical problem because it destroys trust. Officials and employees who can't be trusted can't be effective. They can't, in other words, do their jobs very well.

And they can't hide this fact very long either.

THE VILLAGE'S REPUTATION

A village's reputation and its overall success always are securely linked. To succeed in its mission, any organization must have the confidence of the people and the organizations it deals with even if the relationship is indirect.

The Village of Dexter's reputation, obviously, is based on more than the collective reputations of its employees and officials. To a large extent, it depends on how people perceive the community, as to whether they believe, whatever the issues or the circumstances, that the Village will act with integrity.

So here, too, trust is the key element. Trust is the cornerstone of all village relationships. Everyone who plays a role in our business relationships must have faith in our actions and statements.

Integrity is not something we put on and take off depending on the people we happen to be dealing with at the moment. You are expected to act with complete integrity all the time.

THE GRAY AREAS

It has been said that ethical standards, even at their strongest, are always a little gray around the edges. Any codes of ethics, in other words, must sometimes deal with situations where there are two or more legitimate points of view, and where there is no clear right or wrong answer.

Indeed, ideals do not always fit perfectly with reality, and ethical standards do not always provide automatic solutions to difficult questions.

But this does not mean that dilemmas must be accepted. It means only that "gray area" issues require particularly careful examination and thought. All the competing interests must be clearly identified and evaluated, and the relevant village standards must be understood and applied. When in doubt, consult with someone of higher authority. Reasonable and ethical answers are always available.

RELATIONSHIPS WITH OTHERS

The Village places great importance on its officials and employees' relationship with all citizens. The term "citizens" is used here in the broadest possible sense.

Three general principles deserve particular emphasis.

- * You not only must avoid favoritism or unethical practices, you must avoid conduct that could be misinterpreted to suggest questionable behavior (once again, the perception issue).
- * Don't be drawn into a compromising relationship. When you are dealing with another person the first "small" step you take that undermines your integrity is likely to be followed by another and then another. In a short time, without having done anything that could be considered major, your integrity will have been compromised.
- * Trust is critical in all relations. You can build trust by positive actions, by caring, by meeting deadlines, and by helping to solve problems. You should recognize those situations where you can appropriately do something to help, and then you should do it.

SOLICITING GIFTS OR FAVORS

Gifts or favors, should not be solicited from an individual or an organization that does business with the Village or seeks to do so.

That kind of confidence is especially important in today's highly complex and fast-paced society.

STANDARDS OF CONDUCT

The Village's integrity rests solidly on the foundation of several general rules of ethical behavior. These rules need to be fully understood by all of us.

- * Fundamental values always must be honored. The Village expects us to be honest, to tell the truth, and to play by the rules. Our relations with everyone must be based on mutual trust and the highest principles of respect for the individual.
- * This means, to use some obvious examples, that we don't misrepresent situations, don't steal Village property, don't falsify Village records, and don't misuse Village assets for personal use.
- * It means that we must treat our fellow employees, committee members, citizens, contractors, and suppliers in an evenhanded, fair way.
- * It means, too, that we must be aware of the perceptions we create because they can be as important as our actions. We should diligently avoid doing or saying anything that leaves the impression of questionable motives. It won't really matter if the impression is wrong; the perception of dishonesty or favoritism has all the harmful consequences of the real thing.
- * Consequently, if we believe someone misunderstood what we have said or done, we should clarify the matter quickly. If we misspoke or promised something beyond our authority, we should correct that situation, as well.
- * As village officials/employees, we are expected to honor the spirit as well as the letter of the law.
- * We must not, of course, give or receive a bribe, kickback, or payoff. Beyond that, we must avoid any act that might make it seem we're involved in a bribe, kickback, or payoff (again, that matter of perception).
- * No improper action is ever made proper simply because someone considers it "customary" or because others do it.
- * And no improper action is made proper because our supervisor or a fellow employee might have suggested it.
- * Finally, the Village's standards of conduct apply equally to all.

**VILLAGE OF DEXTER
VILLAGE POLICY**

SUBJECT: Freedom of Information Act

STATEMENT OF PURPOSE: To establish criteria for distribution of information in accordance with the Freedom of Information Act.

STATEMENT OF POLICY: The following procedures shall be forwarded on all requests for information or copies of public records.

- A. Where there is no question the information requested may be provided to the public, the public may:
 - 1. Visually inspect public records
 - 2. Copy public records by hand
 - 3. Receive photocopies of public records
 - 4. Subscribe to future issuances of public records
- B. Where there is a question in the mind of the Department Head or staff of whether the information requested may or should be provided the public for any reason, the following procedures shall be followed:
 - 1. The individual shall place the request for information in writing:
 - a. In a letter addressed to the Village Manager
 - b. On a Village provided form which shall then be given to the Village Manager.
 - 2. The Village Manager shall make the final determination on whether to provide the information to the individual.
 - 3. The Village shall respond within five (5) working days from the date a request is received.
- C. The Village may charge fees to cover the cost of providing the information as determined by the Village Manager.
 - 1. Fees collected shall be limited to:
 - a. Actual mailing costs
 - b. Actual incremental cost of duplication of publication including labor, the cost of the search, examination, review, and the deletion and separation of exempt from nonexempt information.
 - 2. The cost per page of duplication shall be \$.25.
 - 3. At the time a request for information is made, the Village shall request a good faith deposit from the individual if the anticipated fee exceeds \$50.00.
 - 4. The fee, as a general policy, shall be paid at the time the information is provided the individual. Failure to pay the fee shall negate the request for the information. If the individual is billed the fee, and fails to pay the fee, the Village shall not provide additional information until all past fees are paid in full.
- D. Any and all public records of the Village, not exempt from disclosure, may be examined by interested persons at the Village Offices during regular office hours of regular working

days upon making an appointment with the Village Manager for such purpose prior to the date of the requested examination.

- E. All examinations of public documents by interested persons shall be accomplished under the supervision of a Village official or employee whose obligation will be to make certain the records are neither destroyed, damaged, or removed from the Village Offices.
- F. Inspection or copying of public records shall be accomplished at times which do not interfere with the proper functioning of Village government or with the duties and responsibilities of Village officials or employees required to supervise or assist interested persons in examining public records.

REQUEST FOR INFORMATION

TO BE COMPLETED BY PERSON ORIGINATING REQUEST

Name: _____

Street: _____ City: _____

Business Name: _____

Office Phone: _____ Home Phone: _____

I request to:

☐ Visually Inspect

☐ Receive Photocopies

☐ Copy by Hand

☐ Subscribe to Future
Issuances to these
Records

I request the following specific records or information:

I understand that this request for information will be responded to within five (5) working days. I have read the attached Village policy and understand that the Village may charge fees to cover the cost of providing this information.

Signature _____

Date _____

For Village Use Only

☐ Approved

☐ Denied

Signature _____

Date _____

Denial of a Record:

If a request for a record is denied, written notice of the denial must be provided to the requestor within five days, or within 15 days under unusual circumstances. A failure to respond within the time limits, or a failure to respond at all, also amounts to a denial.

When a request is denied, the public body must provide the requestor with a full explanation of the reasons for the denial and the requestor's right to seek judicial review. Notification of the right to judicial review must include notification of the right to receive attorney's fees and collect damages.

Enforcement:

A person has the right to commence an action in circuit court to compel disclosure of public records which are denied. If the request by a person was made verbally, the person must confirm the request in writing not less than five days before commencing the action.

The action may be brought in the county where the requestor lives, the county where the requestor does business, the county where the public document is located, or a county where the agency has an office.

Penalties for Violation of the Act:

If the circuit court finds that the public body has arbitrarily and capriciously violated the Freedom of Information Act by refusal or delay in disclosing or providing copies of a public record, it may, in addition to any actual or compensatory damages, award punitive damages of \$500 to the person seeking the right to inspect or receive a copy of a public record.

Effective Date:

April 13, 1977.

FREEDOM OF INFORMATION ACT Act 442, 1976, p. 1503; Eff. Apr. 13, 1977

AN ACT to provide for public access to certain public records of public bodies; to permit certain fees; to prescribe the powers and duties of certain public officers and public bodies; to provide remedies and penalties; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

15.231 Short title; public policy.

Sec. 1. (1) This act shall be known and may be cited as the "freedom of information act".

(2) It is the public policy of this state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

History: 1976, Act 442, Eff. Apr. 13, 1977.

Cited in other sections: Section 15.231 et seq. is cited in §§3.555, 4.314, 10.72a, 18.80, 18.302a, 18.402, 18.405, 28.652, 29.3b, 29.22, 29.369a, 35.603a, 37.2601, 38.12, 38.139, 38.411, 38.423, 38.457, 38.467, 38.552, 38.1038, 38.1143, 38.1323, 41.62, 41.78, 41.811, 42.7, 45.510, 46.5, 46.31, 46.357, 46.403, 47.6, 47.13, 65.5, 67.64, 78.1a, 78.23, 85.3, 88.8, 88.14, 117.3, 117.5c, 117.5e, 120.29a, 123.734, 123.777, 123.1004a, 124.13, 124.425, 125.213, 125.219, 125.325, 125.585a, 125.655, 125.701, 125.1503, 125.1510, 125.1514, 125.1516, 125.1553, 125.1574, 125.1617, 125.1654, 125.1804, 125.1954, 125.2005, 132.1a, 141.14, 141.691, 205.746, 209.3, 211.10c, 211.119, 211.146, 224.9a, 247.813a, 257.1505, 259.626, 259.808, 279.212, 280.8, 281.502a, 282.3a, 285.63, 285.170, 288.24a, 288.103i, 290.422, 290.560, 290.657, 290.669, 290.673, 290.674, 295.123, 299.4, 299.307, 299.528, 318.63, 318.408, 318.429, 319.3, 319.8, 319.19, 319.20, 320.503, 323.2, 323.157, 325.75, 325.77, 325.2029, 331.6, 331.8, 331.606, 331.707, 332.153b, 333.5621, 336.14, 338.907, 338.974, 338.1706, 338.1729, 339.105, 388.683, 388.1014a, 388.1618, 389.113, 390.15, 390.119, 390.120, 390.122, 390.941, 393.365, 397.603, 399.4a, 399.76, 399.203, 399.205, 400.2, 400.11d, 400.45, 400.46, 400.47, 400.61, 400.64, 400.546a, 400.588, 400.708, 400.1114, 400.1503, 408.385, 408.1063, 418.235, 421.3b, 421.33, 421.36, 423.7a, 423.25, 423.510, 425.1109, 425.1902, 445.1542, 445.1609, 460.61, 491.300, 491.522, 500.438, 550.934, 550.1604, 567.50, 722.605, 752.1, 764.25b, 780.623, 791.212, 801.204, and 830.413.

15.232 Definitions.

Sec. 2. As used in this act:

(a) "Person" means an individual, corporation, partnership, firm, organization, or association.

(b) "Public body" means:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but does not include the governor or lieutenant governor, the executive office of the governor or lieutenant governor, or employees thereof.

(ii) An agency, board, commission, or council in the legislative branch of the state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.

(iv) Any other body which is created by state or local authority or which is primarily funded by or through state or local authority.

(v) The judiciary, including the office of the county clerk and employees thereof when acting in the capacity of clerk to the circuit court, is not included in the definition of public body.

(c) "Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. This act separates public records into 2 classes: (i) those which are exempt from disclosure under section 13, and (ii) all others, which shall be subject to disclosure under this act.

(d) "Unusual circumstances" means any 1 or a combination of the following, but only to the extent necessary for the proper processing of a request:

(i) The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.

(ii) The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

(e) "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, or other means of recording or retaining meaningful content.

History: New 1976, p. 1504, Act 442, Eff. Apr. 13, 1977.

15.233 Public records; right to inspect, copy, or receive; subscriptions; inspection and examination; memoranda or abstracts; rules; compilation, summary, or report of information; creation of new public record; certified copies.

Sec. 3. (1) Upon an oral or written request which describes the public record sufficiently to enable the

public body to find the public record, a person has a right to inspect, copy, or receive copies of a public record of a public body, except as otherwise expressly provided by section 13. A person has a right to subscribe to future issuances of public records which are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to 6 months, at the request of the subscriber, and shall be renewable.

(2) A public body shall furnish a requesting person a reasonable opportunity for inspection and examination of its public records, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during the usual business hours. A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions.

(3) This act does not require a public body to make a compilation, summary, or report of information, except as required in section 11.

This act does not require a public body to create a new public record, except as required in sections 5 and 11, and to the extent required by this act for the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record.

(5) The custodian of a public record shall, upon request, furnish a requesting person a certified copy of a public record.

History: New 1976, p. 1504, Act 442, Eff. Apr. 13, 1977.

15.234 Fees; waiver or reduction; affidavit; deposit; calculation of costs; provisions inapplicable to certain public records; review by bipartisan joint committee; appointment of members.

Sec. 4. (1) A public body may charge a fee for providing a copy of a public record. Subject to subsection (3), the fee shall be limited to actual mailing costs, and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14. Copies of public records may be furnished without charge or at a reduced charge if the public body determines that a waiver or reduction of the fee is in the public interest because furnishing copies of the public record can be considered as primarily benefiting the general public. Except as provided in section 30(3) of Act No. 232 of the Public Acts of 1953, being section 791.230 of the

Michigan Compiled Laws, a copy of a public record shall be furnished without charge for the first \$20.00 of the fee for each request, to an individual who submits an affidavit stating that the individual is then receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency.

(2) At the time the request is made, a public body may request a good faith deposit from the person requesting the public record or series of public records, if the fee provided in subsection (1) exceeds \$50.00. The deposit shall not exceed ½ of the total fee.

(3) In calculating the costs under subsection (1), a public body may not attribute more than the hourly wage of the lowest paid, full-time, permanent clerical employee of the employing public body to the cost of labor incurred in duplication and mailing and to the cost of examination, review, separation, and deletion. A public body shall utilize the most economical means available for providing copies of public records. A fee shall not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information as provided in section 14 unless failure to charge a fee would result in unreasonably high costs to the public body because of the nature of the request in the particular instance, and the public body specifically identifies the nature of these unreasonably high costs. A public body shall establish and publish procedures, and guidelines to implement this subsection.

(4) This section does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public, or where the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

(5) Three years after the effective date of this act a bipartisan joint committee of 3 members of each house shall review the operation of this section and recommend appropriate changes. The members of the house of representatives shall be appointed by the speaker of the house of representatives. The members of the senate shall be appointed by the majority leader of the senate.

History: 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1988, Act 99, Imd. Eff. Apr. 11, 1988.

Constitutionality: The disclosure of public records under the freedom of information act impartially to the general public for the incremental cost of creating the record is not a granting of credit by the state in aid of private persons and does not justify nondisclosure on the theory that the information is proprietary information belonging to a public body. *Kestenbaum v. Michigan State University*, 414 Mich. 510, 417 N.W.2d 1102 (1982).

Cited in other sections: Section 15.234 is cited in §§281.704 and 780.623.

15.235 Request to inspect or receive copy of public record; response to request; failure to respond; court order to disclose or provide copies; damages; contents of notice denying request; signing notice of denial; notice extending period of response; grounds for commencement of action.

Sec. 5. (1) A person desiring to inspect or receive a copy of a public record may make an oral or written request for the public record to the public body.

(2) When a public body receives a request for a public record it shall immediately, but not more than 5 business days after the day the request is received unless otherwise agreed to in writing by the person making the request, respond to the request by 1 of the following:

(a) Grant the request.

(b) Issue a written notice to the requesting person denying the request.

(c) Grant the request in part and issue a written notice to the requesting person denying the request in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.

(3) Failure to respond to a request as provided in subsection (2) constitutes a final decision by the public body to deny the request. If a circuit court, upon an action commenced pursuant to section 10, finds that a public body has failed to respond as provided in subsection (2), and if the court orders the public body to disclose or provide copies of the public record or a portion thereof, then the circuit court shall assess damages against the public body as provided in section 10(5).

(4) A written notice denying a request for a public record in whole or in part shall constitute a final determination by the public body to deny the request or portion thereof and shall contain:

(a) An explanation of the basis under this act or other statute for the determination that the public record, or the portion thereof, is exempt from disclosure, if that is the reason for denying the request or a portion thereof.

(b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion thereof.

(c) A description of a public record or information on a public record which is separated or deleted as provided in section 14, if a separation or deletion is made.

(d) A full explanation of the requesting person's right to seek judicial review under section 10. Notification of the right to judicial review shall include notification of the right to receive attorneys' fees and damages as provided in section 10.

(5) The individual designated in section 6 as responsible for the denial of the request shall sign the written notice of denial.

(6) If a public body issues a notice extending the period for a response to the request, the notice shall set forth the reasons for the extension and the date by which the public body shall do 1 of the following:

(a) Grant the request.

(b) Issue a written notice to the requesting person denying the request.

(c) Grant the request in part and issue a written notice to the requesting person denying the request in part.

(7) If a public body makes a final determination to deny in whole or in part a request to inspect or receive a copy of a public record or portion thereof, the requesting person may commence an action in circuit court, as provided in section 10.

History: New 1976, p. 1506, Act 442, Eff. Apr. 13, 1977;—Am. 1978, p. 766, Act 329, Imd. Eff. July 11, 1978.

15.236 Persons responsible for approving denial of request for public record.

Sec. 6. (1) For a public body which is a city, village, township, county, or state department, or under the control thereof, the chief administrative officer of that city, village, township, county, or state department, or an individual designated in writing by that chief administrative officer, shall be responsible for approving a denial under section 5(4) and (5). In a county not having an executive form of government, the chairperson of the county board of commissioners shall be considered the chief administrative officer for purposes of this subsection.

(2) For all other public bodies, the chief administrative officer of the respective public body, or an individual designated in writing by that chief administrative officer,

shall be responsible for approving a denial under section 5(4) and (5).

History: New 1976, p. 1507, Act 442, Eff. Apr. 13, 1977.

15.240 Action to compel disclosure of public records; commencement; orders; jurisdiction; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10. (1) If a public body makes a final determination to deny a request or a portion thereof, the requesting person may commence an action in the circuit court to compel disclosure of the public records. If the court determines that the public records are not exempt from disclosure, the court shall order the public body to cease withholding or to produce a public record or a portion thereof wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his principal place of business, or the circuit court for the county in which the public record or an office of the public body is located shall have jurisdiction to issue the order. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(2) An action under this section arising from the denial of an oral request may not be commenced unless the requesting person confirms the oral request in writing not less than 5 days before commencement of the action.

(3) An action commenced pursuant to this section and appeals therefrom shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(4) If a person asserting the right to inspect or to receive a copy of a public record or a portion thereof prevails in an action commenced pursuant to this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person prevails in part, the court may in its discretion award reasonable attorneys' fees, costs, and disbursements or an appropriate portion thereof. The award shall be assessed against the public body liable for damages under subsection (5).

(5) In an action commenced pursuant to this section, if the circuit court finds that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall, in addition to any actual or compensatory damages, award punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body, not an individual, pursuant to whose public function the public record was kept or maintained.

History: New 1976, p. 1507, Act 442, Eff. Apr. 13, 1977;—Am. 1978, p. 767, Act 329, Imd. Eff. July 11, 1978.

15.241 Matters required to be published and made available by state agencies; form of publications; effect on person of matter not published and made available; exception; action to compel compliance by state agency; order; attorneys' fees, costs, and disbursements; jurisdiction; definitions.

Sec. 11. (1) A state agency shall publish and make available to the public all of the following:

(a) Final orders or decisions in contested cases and the records on which they were made.

(b) Promulgated rules.

(c) Other written statements which implement or interpret laws, rules, or policy, including but not limited to guidelines, manuals, and forms with instructions, adopted or used by the agency in the discharge of its functions.

(2) Publications may be in pamphlet, loose-leaf, or other appropriate form in printed, mimeographed, or other written matter.

(3) Except to the extent that a person has actual and timely notice of the terms thereof, a person shall not in any manner be required to resort to, or be adversely affected by, a matter required to be published and made available, if the matter is not so published and made available.

(4) This section does not apply to public records which are exempt from disclosure under section 13.

(5) A person may commence an action in the circuit court to compel a state agency to comply with this section. If the court determines that the state agency has failed to comply, the court shall order the state agency to

comply and shall award reasonable attorneys' fees, costs, and disbursements to the person commencing the action. The circuit court for the county in which the state agency is located shall have jurisdiction to issue the order.

(6) As used in this section, "state agency", "contested case", and "rules" shall have the same meanings as ascribed to those terms in Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: New 1976, p. 1508, Act 442, Eff. Apr. 13, 1977.

15.243 Exemptions from disclosure; withholding of information.

Sec. 13. (1) A public body may exempt from disclosure as a public record under this act:

(a) Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:

(i) Interfere with law enforcement proceedings.

(ii) Deprive a person of the right to a fair trial or impartial administrative adjudication.

(iii) Constitute an unwarranted invasion of personal privacy.

(iv) Disclose the identity of a confidential source, or if the record is compiled by a criminal law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.

(v) Disclose law enforcement investigative techniques or procedures.

(vi) Endanger the life or physical safety of law enforcement personnel.

(c) A public record which if disclosed would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of a mental disability, unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(d) Records or information specifically described and exempted from disclosure by statute.

(e) Information the release of which would prevent the public body from complying with 20 U.S.C. section 1232g.

(f) A public record or information described in this section which is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable.

(g) Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:

(i) The information is submitted upon a promise of confidentiality by the public body.

(ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.

(iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision shall not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit.

(h) Information on or records subject to the attorney-client privilege.

(i) Information or records subject to the physician-patient, psychologist-patient, minister, priest or Christian science practitioner, or other privilege recognized by statute or court rule.

(j) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.

(k) Appraisals of real property to be acquired by the public body until (i) an agreement is entered into; or (ii) 3 years has elapsed since the making of the appraisal, unless litigation relative to the acquisition has not yet terminated.

(l) Test questions and answers, scoring keys, and other examination instruments or data used to administer a license, public employment, or academic examination,

unless the public interest in disclosure under this act outweighs the public interest in nondisclosure.

(m) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by a disclosure of those facts or evaluation.

(n) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption shall not apply unless the public body shows that in the particular instance the public interest in encouraging frank communications between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under state law for purposes of section 8(h) of Act No. 267 of the Public Acts of 1976, being section 15.268 of the Michigan Compiled Laws. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under Act No. 336 of the Public Acts of 1947, as amended, being sections 423.201 to 423.216 of the Michigan Compiled Laws.

(o) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, which if disclosed would prejudice a public body's ability to protect the public safety unless the public interest in disclosure under this act outweighs the public interest in nondisclosure in the particular instance.

(p) Information which would reveal the exact location of archeological sites. The secretary of state may promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to provide for the disclosure of the location of archeological sites for purposes relating to the preservation or scientific examination of sites.

(q) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only 1 bidder has met the specifications. This subdivision shall not apply after 1 year has elapsed from the time the public body completes the testing.

(r) Academic transcripts of an institution of higher education established under sections 5, 6, or 7 of article 8 of the state constitution of 1963, where the record pertains to a student who is delinquent in the payment of financial obligations to the institution.

(s) Records of any campaign committee including any committee that receives monies from a state campaign fund.

(t) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a police or sheriff's agency or department, the release of which would do any of the following:

(i) Identify or provide a means of identifying an informer.

(ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent.

(iii) Disclose the personal address or telephone number of law enforcement officers or agents or any special skills that they may have.

(iv) Disclose the name, address, or telephone numbers of family members, relatives, children, or parents of law enforcement officers or agents.

(v) Disclose operational instructions for law enforcement officers or agents.

(vi) Reveal the contents of staff manuals provided for law enforcement officers or agents.

(vii) Endanger the life or safety of law enforcement officers or agents or their families, relatives, children, parents, or those who furnish information to law enforcement departments or agencies.

(viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informer.

(ix) Disclose personnel records of law enforcement agencies.

(x) Identify or provide a means of identifying residences which law enforcement agencies are requested to check in the absence of their owners or tenants.

(2) This act shall not authorize the withholding of information otherwise required by law to be made available to the public, or to a party in a contested case

under Act No. 306 of the Public Acts of 1969, as amended.

History: New 1976, p. 1509, Act 442, Eff. Apr. 13, 1977;—Am. 1978, p. 768, Act 329, Imd. Eff. July 11, 1978.

Cited in other sections: Section 15.243 is cited in §333.5613.

15.243a Salary records of employee or other official of institution of higher education, school district, intermediate school district, or community college available to public on request.

Sec. 13a. Notwithstanding section 13, an institution of higher education established under section 5, 6, or 7 of article 8 of the state constitution of 1963; a school district as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws; an intermediate school district as defined in section 4 of Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws; or a community college established under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws shall upon request make available to the public the salary records of an employee or other official of the institution of higher education, school district, intermediate school district, or community college.

History: Add. 1979, p. 823, Act 130, Imd. Eff. Oct. 26, 1979.

15.244 Separation of exempt and nonexempt material; design of public record; description of material exempted.

Sec. 14. (1) If a public record contains material which is not exempt under section 13, as well as material which is exempt from disclosure under section 13, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

(2) When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

History: New 1976, p. 1511, Act 442, Apr. 13, 1977.

15.245 Repeal of §§ 24.221, 24.222, and 24.223.

Sec. 15. Sections 21, 22 and 23 of Act No. 306 of the Public Acts of 1969, as amended, being sections 24.221, 24.222 and 24.223 of the Michigan Compiled Laws, are repealed.

History: New 1976, p. 1511, Act 442, Eff. Apr. 13, 1977.

15.246 Effective date.

Sec. 16. This act shall take effect 90 days after being signed by the governor.

History: New 1976, p. 1511, Act 442, Eff. Apr. 13, 1977.

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VIA FACSIMILE

January 4, 1993

~~Mr. Michael J. McCue, Manager~~
Village of Dexter
8140 Main Street
Dexter, MI 48130

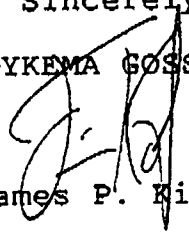
Re: Planning Commission

Dear Michael:

Enclosed is a memorandum regarding the two issues that we have discussed with respect to the Planning Commission.

If you have any questions regarding these matters, please do not hesitate to call me.

Sincerely,
DYKEMA GOSSETT


James P. Kiefer

JPK/bjv
Enclosure

DYKEMA GOSSETT

MEMORANDUM

TO: Michael J. McCue
Village of Dexter Planning Commission

FROM: James P. Kiefer
Stephen C. Landon

RE: Village of Dexter: Adjournment of Planning Commission
Meeting and Conflict of Interest Voting Issue

DATE: January 4, 1993

ISSUES

1. Does the Village of Dexter Planning Commission have the power to adjourn a meeting, with unfinished business pending, until the next regularly scheduled meeting?

2. Is a member of the Planning Commission whose spouse is the superintendent of the school district precluded from voting on Planning Commission matters involving the school district?

SHORT ANSWERS

1. According to statute, a village planning commission may adopt rules for the transaction of business. The Dexter Planning Commission (the "Commission") bylaws provide for Commission meetings to be governed by Robert's Rules of Order ("Robert's"). Robert's provides that adjournment of a meeting until the next regularly scheduled meeting is proper upon a motion. Any unfinished business pending may be taken up at the next meeting.

2. There is no Michigan statute or court case providing that a spousal relationship, without more, is sufficient to necessitate a commission member abstaining from voting on a matter. A member of a municipal council may not vote upon any matter brought before the council in which he or she is personally interested. Personal interest in this context includes any direct or indirect profit.

ANALYSISIssue 1:

Meetings of a village planning commission are governed to a certain extent by state statute. MCL 125.34 states in part:

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The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. (Emphasis added.)

The Commission has adopted rules for the transaction of business. The Commission bylaws specify that the Robert's Rules of Order govern its meetings and hearings. According to Robert's, adjournment of a meeting until the next regularly scheduled meeting is appropriate even if there is unfinished business pending.

In ordinary practice a meeting is closed by adopting a motion simply 'to adjourn'; or under certain conditions the chair can declare the adjournment without the motion. . . . The society meets again at the time provided in its bylaws or other rules, or as already established by the adoption of an earlier motion. Robert's § 8, p.74.

* * * *

In ordinary societies having bylaws that provide for several regular meetings during the year and having no fixed hour for adjournment, a motion 'to adjourn,' when unqualified, is always a privileged motion. In meetings of these organizations, such a motion to adjourn is in order regardless of whether business is pending. Robert's § 21, p. 202.

As a result of the applicable statute and Robert's Rules of Order, the Commission may adjourn a meeting with unfinished business pending. This analysis assumes that there are no other bylaws or rules of the Commission which prohibit such activity.

This analysis is consistent with case law in Michigan which has also recognized that discretion is to be granted to municipal bodies in determining when to adjourn. In Kalamazoo Twp v. Kalamazoo County Clerk, 339 Mich 619,; 64 NW2d 595 (1954), an adjournment of a county board of supervisors meeting was challenged as improper because the meeting was not adjourned to a specific date. The Court held that because

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statutes and the board's Rules of Order did not require a specific date to be named, the adjournment was proper. In reaching this conclusion, the Court stated that "[t]he board can place the responsibility on the chairman to issue the call for an adjourned meeting, and in the absence of proof that the chairman abused his power, the meeting so called shall be considered a legally adjourned meeting." Id. at 637.

It is important to note that all Commission meetings, regular and adjourned, must meet the notice provisions of the Michigan Open Meetings Act, MCL 15.261 et seq.

Issue 2:

There is no Michigan statute or court case providing that a member of the Commission may not vote on school district matters simply because he or she is married to the school district superintendent. 1968 PA 317, MCL 15.321 et seq., is recognized as the statutory authority with regard to public servants and conflict of interest. MCL 15.322 forbids any public servant from being a party, directly or indirectly, to any contract between himself or herself and the public entity which he or she serves. It also precludes any direct or indirect solicitation by such a public servant for a contract between the public entity and any firm, corporation or trust with which the public servant is involved.

Case law has stated the rule more broadly. In Woodward v. City of Wakefield, 236 Mich 417, 420; 210 NW 322 (1926), the Michigan Supreme Court endorsed the following rule:

It is universally recognized that it is improper and illegal for a member of a municipal council to vote upon any question brought before the council in which he is personally interested.

Furthermore, in such a case, it does not matter that the municipality is not defrauded or that the transaction is beneficial to the municipality. The personal interest that disqualifies the council member may be either direct or indirect. Id.

The interest identified in Woodward was a financial interest. In the case here, the Commission member appears to have no financial interest, direct or indirect, in the matter before the Commission. The fact that her husband is employed by the school district is immaterial unless he stands to gain financially from the transaction.

DYKEMA GOSSETT

* * * *

If you have any questions regarding these issues,
please do not hesitate to call us.

JPK/SCL

K/5152

**RESPONSE TO MS. LAMKIN'S ALLEGATIONS
REGARDING
MY RESUME**

CLAIMS MADE JANUARY 4, 1993

Date of Response: January 11, 1993

1. CLAIM: I was merely an intern.

FACT:

The University of Kansas's Edwin O. Stene Graduate School of Public Administration requires both academic and practical experience to earn a degree. My full-time, permanent position with the City of Wixom fulfilled the University of Kansas's requirements of an internship. However, I held a very wide range of duties at Wixom. Also, my position included the duties of the Assistant to the City Manager position which sole title would be present in other communities. My fellow employees as well as my supervisor considered me the Assistant to the City Manager. My duties in Wixom were much broader than only an Assistant to the City Manager position. (Please see attached information)

2. CLAIM: I was not involved with Wixom's DDA as a staff member.

FACT:

I served as staff support to the Downtown Development Authority. I did not sit on the DDA Board in Wixom. The DDA is a citizen authority. Staff members do not usually sit on the DDA board. However, since the DDA did not have its own staff, I served as their staff under the direction of the City Manager. Therefore, I would not appear on any DDA roster.

3. CLAIM: I did not write and execute grants for the Michigan Department of Natural Resources, Southeast Michigan Authority for Regional Transportation, or other grants.

FACT:

I wrote grants for the Michigan Department of Natural Resources, the Southeast Michigan Transportation Authority for Regional Transportation (SMART) and other agencies. When these grants were awarded, I was responsible for their proper execution. Ms. Lamkin notes that the Transportation Plan is under the direction of the Planning Commission. The Transportation Plan she refers to guides the construction of new roads in the City. It does not plan the residents' transportation needs relative to mass transit.

4. CLAIM: I did not develop Wixom's curbside recycling program or manage the City's recycling drop-off center.

FACT:

Ms. Lamkin claims that this was done by the Environmental

Committee. This committee provided policy oversight for the recycling drop-off center. However, it was my responsibility to ensure that it was properly managed. Again, this is a professional staff responsibility and not a committee responsibility.

5. CLAIM: I did not administer Wixom's employee benefits program nor rewrite the City's personnel manual nor did I serve as the management representative on the City's bargaining team for AFSCME negotiations.

FACT:

Soon after my arrival in Wixom, I was charged with the administration of the City's employee benefits program. This assignment included administering the City's two medical plans, the dental plan, the self-insured vision plan, and its life insurance plan. When Mr. Dornan arrived, he asked me to rewrite the City's personnel manual. I completed my assignment and turned it over to Mr. Dornan prior to my leaving the City of Wixom. Finally, while only the Mayor and City Manager have the authority to sign the contract, other administrative staff members were delegated the authority to bargain with the various bargaining units. I worked with the City's labor attorney on the AFSCME negotiations.

6. CLAIM: I was not responsible for risk management activities for Wixom.

FACT:

I served as the Risk Manager for the City. I met with insurance representatives to reduce liability exposure and was responsible for the purchase of liability insurance for the City. In addition, I had developed a draft of a safety manual for the City.

7. CLAIM: I did not oversee the City's CDBG programs.

FACT:

I had full responsibility for the City's Community Development Block Grant Program. I wrote the grant application and also administered the spending of those funds. (Please see attached)

8. CLAIM: I did not develop Wixom's strategic plan structure or oversee the City's strategic planning efforts.

FACT:

This was a long-term process which I initiated and the City has yet to complete. Because this is an on-going process, a final report has not yet been completed; therefore, my name would not appear on a final document. I attended, as one of Wixom's representatives, a training program with the Edison Economic Institute in Washington, D.C. for strategic planning. As Ms. Lamkin points out in her information to Council, a line item was created for consultants and personnel. This line item was used to hire speakers and consultants in strategic planning. It should be noted that her claims are from the FY 1992-93 budget. This began after I left Wixom. It should be noted that the process still continues in Wixom and that I created

the strategic planning process and provided staff leadership on this project.

9. CLAIM: I did not develop a citizen complaint procedure.

FACT:

Shortly before I left Wixom, I developed a citizen complaint procedure for use by all City departments.

10. CLAIM: I did not oversee the City's Capital Improvements Program for park development.

FACT:

This program was under my direct supervision. This included park development, land purchase, and equipment development.

11. CLAIM: I did not oversee the development of Gunnar Mettala Park.

FACT:

I provided administrative oversight for the development of Gunnar Mettala Park. On this project, the Director of Public Works provided field supervision; Lerner-Linden Construction company built the park; and it was designed by Vilican-Leman Associates. I headed this team for this project.

12. CLAIM: I did not provide staff leadership for the Community Development Task Force.

FACT:

I, along with the City Manager, served as staff for the Community Development Task Force. In addition, I was named to serve as a voting member of this committee by the City Council.

13. CLAIM: I did not perform the various tasks listed on my resume as an intern in Johnson County, Kansas Office of Management and Budget.

FACT:

While attending school at the University of Kansas, I worked for the Johnson County, Kansas Office of Management and Budget. This is common for Kansas students to do because it teaches the practical application of the theory learned in class. In addition, all the tasks noted on my resume are factual. (Please see attached)

14. CLAIM: The Urban Management Assistants of Mid-America is not a recognized organization and does not exist.

FACT:

This organization was founded in 1990 by Jay Byers, Dave Davis and myself to serve assistant managers in local government. It has been recognized by the International City/County Management Association as an acknowledged assistant managers' group. It currently operates under the guidance of the Mid-America Regional Council and has

approximately 45 members. The Mid-America Regional Council is a council of governments similar to SEMCOG. (Please see attached)

15. CLAIM: I was not an editorial assistant with the Lansing State Journal and did not perform the related duties.

FACT:

I served as Editorial Assistant for the Lansing State Journal from September 1986 to August 1989 and performed the duties listed on my resume as well as many others. (Please see attached)

COMMENT:

Ms. Lamkin has distributed information to the Village Council based on the 1992-93 Fiscal Year budget. The 1992-93 fiscal year in Wixom began July 1, 1992. I was not employed for the City of Wixom at that time. Moreover, my position description was significantly changed after my departure. In addition, many committees or activities had their own budget; however, not all of them had their own individual staff member assigned to the task. As with any small organization, staff members were assigned a wide variety of tasks to complete.



April 16, 1992

Ms. Hannah Liddiard
Village President
Village of Dexter
8140 Main Street
Dexter, MI 48130-1092

Dear President Liddiard and Fellow Trustees:

Mr. Michael McCue, of my office, has informed me that he has applied for the village manager position in Dexter, Michigan. I would like to take this opportunity to endorse his application and to add my favorable recommendation.

Although I have been the city manager in Wixom a relatively short time, I feel I have gotten to know Mike as a person and can fairly evaluate his work with our city. As you probably know, he has worked directly for me handling certain functions on a continuous basis while performing other special assignments involving investigation, research, and administrative analysis in areas requiring managerial attention.

He was also entrusted with the sole responsibility of Wixom's Community Development Block Grant Program and has been intimately involved in the creation of the City's Local Development Finance Authority as its vice chairperson. He has played a significant role in urban design projects for the Downtown Development Authority including, but not limited to, our "Adopt-A-Streetlight" program, new parking lot, and pedestrian design plan.

Mike is an intelligent young man who has carefully and conspicuously prepared himself, both educationally and through on-the-job experience, for a career in municipal management. In my opinion, he is ready for a position such as that offered by the Village of Dexter. He is technically qualified; he has the experience and knowledge to know how a city must be managed, and he has the personality and character necessary to be successful in this very sensitive endeavor.

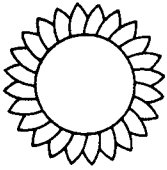
Although Mike has never managed a village, I am sure that through an opportunity such as this, he will develop into a seasoned and successful village manager for Dexter. He is personally acquainted with many managers in the business, and I am sure that there are others, like myself, who will assist Mike in whatever way possible to make his first village manager job a rewarding and successful experience.

If I can answer any questions you might have about Mike or his qualifications, please feel free to contact me. Good Luck to both you and Mike in your searches!

Respectfully submitted,


J. Michael Dornan
City Manager

JMD/lp
CORR\MCCUEDXT.ER



**Johnson County
Kansas**

January 6, 1993

Mr. Michael J. McCue, Manager
Village of Dexter
8140 Main Street
Dexter, Michigan 48130
Fax: (313) 426-5614

Dear Mike:

You have asked that I as your former supervisor address the comments by an employee questioning the validity of your resume. I find the employee's innuendoes and pointed questions so unbelievable that I would consider legal action if in the same situation. However, let me address the comments relating to your education, internship, and professional memberships.

- * The question is posed as to how you earned a Master Degree in Public Administration (MPA) in 1991 from Kansas University while working in Michigan. Hundreds of MPA candidates each year complete their degree away from campus by doing a thesis or field project report while on the job. My MPA from Kansas was completed while working in Minnesota.
- * The question is asked as to how you got an internship at the beginning of an MPA program. Local government MPA candidates at the University of Kansas, as well as at many other schools, obtain part time internships while doing course work on campus. In spite of innuendoes to the contrary, your resume does accurately describe your accomplishments as an intern. I am including a copy of the job announcement of the position.
- * The employee has never heard of the Urban Management Assistants of Mid-America (UMAMA) and thus concludes that it is not a recognized organization. Several metropolitan areas such as Minneapolis and Kansas City have organized groups for young local government professionals that meet regularly. It is to Mike's credit that with not even being out of school he recognized the importance of such a group and worked with several others to create one in Kansas City.

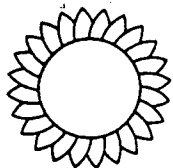
I hope that this information is helpful. If you, your council or the employee has any further questions, please feel free to call me.

Sincerely,

Roger Kroh
Director of Management and Budget

pc: Richard Chesney, Deputy County Administrator

Attach.



Johnson County
Kansas

MAiled to list
7/17/89

PART-TIME INTERNSHIP ANNOUNCEMENT

Johnson County, Kansas, is seeking applications for one part time graduate public administration Internship for the 1989-90 school year. Johnson County is a progressive area that is among the fastest developing sections in greater Kansas City. The county government provides a broad range of municipal-type services to its 330,000 citizens under the direction of a professional County Administrator and staff. The County has about 2,000 full and part time employees and a 1989 budget of nearly \$130 million.

DUTIES - Assignments may include compiling information, researching and analyzing data on assigned topics related to local government management. Topics may include procedural or information systems design, budget history and analysis, operating data compilation and report preparation, investigation of regulations affecting the organization, and general administrative assistance to the County Administrator, Management & Budget Director, and other management staff.

QUALIFICATIONS - Applicants must be currently enrolled in a graduate public administration or political science program.

SCHEDULE - Approximately September 1989 to May 1990. A flexible work schedule of approximately 15 hours per week will be arranged to suit the needs of the student and the County.

SALARY - \$7.06 per hour, paid biweekly.

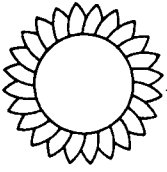
TO APPLY - Please send cover letter stating career goals, brief resume, and references to:

Ms. Randie Burns, Employment Manager
Johnson County Personnel Office
Bank IV Building, Suite 206
Olathe, KS 66061

There is no deadline; however, the County intends to fill this position as soon as possible.

Johnson County is an Equal Opportunity Employer. Qualified minority, female, and handicapped individuals are encouraged to apply.

July 20, 1989



**Johnson County
Kansas**

December 10, 1992

Mr. Michael McCue
7833 Cockaburra Court #105
Dexter, Michigan 48130

Dear Mike:

I was disappointed to learn of the anonymous letter you received stating that Sharon Griffin, Executive Assistant, in the Johnson County Human Resources office had in some way disputed your professional experience at Johnson County. I have talked with Sharon Griffin and she neither recalls or has any records of an employment verification request about you. However, had an employment verification request occurred, it is the policy of the Human Resources Department to verify only job title (Public Administration Intern), employment dates (9/8/89 - 7/26/90) and salary (\$8.17 per hour). No comments on job scope or performance would be shared by the Human Resources Department.

If any members of your town council wish to contact me to validate the professional experience which you gained at Johnson County, I would be happy to answer any questions.

Sincerely,

Roger Kroh
Director of Management and Budget

pc: Cheryl Lechlitter, Director of Human Resources
Sharon Griffin, Executive Assistant

The University of Kansas

Department of Public Administration

January 6, 1993

To Whom It May Concern:

I have been asked to supply information concerning the internship requirements for a Master of Public Administration (M.P.A.) degree at the University of Kansas, and I'm happy to do so.

The University of Kansas M.P.A. degree is a two year program; students must complete most of their coursework in the first twelve months, followed by a nine to twelve-month paid internship while enrolled in professional development seminars. Part of the students' education also includes a comprehensive professional development program aimed at socializing them to the norms and ethics of the profession.

First year:

Academic work (31 academic credit hours)

Students begin with the summer semester, taking two graduate courses. During the fall and spring semesters, the M.P.A. students complete another eight graduate courses and a public administration practicum consisting of workshops, speakers and case studies exercises.

Part-time internship (16-20 hours per week)

During that same period, students intern part-time (usually 16-20 hours per week) for area city or county managers. The part-time internship provides the students with hands-on experience in public administration, and enables them to more quickly perceive the connection between theory and practice.

Second year:

Academic work (6 academic credit hours)

Students enroll in the professional development seminars during the fall and spring semesters of their second year. They must be employed in a full-time internship or regular public administration job to be allowed to enroll in the seminars. Students gather three times during that second year for week-long periods to tie together what they are learning on the job with what they learned in the classroom. This learning experience involves reading assignments, presentation of papers based on those reading assignments, and discussion periods and case study exercises lead by faculty and public administrators.

Full-time internship (9 to 12 months duration)

Students must obtain a full-time paid internship, or public sector job during their second year. Some students are involved in formal internships and others have what amounts to a regular job. This range precludes many formal requirements, however over the past forty-five years, some guidelines have emerged: supervision, learning experiences and seminar attendance.

Over the course of the second year, we contact the intern and the employer. Telephone inquiries focus on what the intern is doing and how well. Through correspondence we let the employer know about the seminar obligations. The goal is to keep the sponsor informed and for the sponsor to have an opportunity to let us know how the intern is progressing.

At the end of the internship, students must pass a final essay exam before graduating.

We, at the University of Kansas, take great pride in our graduates. Admission to the MPA program is highly competitive, the academic program is vigorous and demanding, and we insist on constant exposure to the professional norms and ethics.

To address in particular Mr. Michael McCue's preparation for public management, let me say that not only was he an excellent student, he represents the highest quality of graduate we produce at the University of Kansas. Mr. McCue fulfilled all his academic requirements for the degree. He interned part-time during his first academic year for the Office of Management and Budget of Johnson County, Kansas. During his second year, he fulfilled the full-time internship requirement by taking a regular professional position as Community Services Director/Assistant to the City Manager in Wixom, Michigan, while at the same fulfilling the academic requirements of the professional development seminars through the university. Mr. McCue has not misrepresented his credentials or experience in any way.

Please feel free to contact this department if you need any further assurances of Mr. McCue's academic credentials.

Sincerely,



Marion Joan Sheppard
Administrative Director



EDWIN O. STENE GRADUATE PROGRAM

MARION SHEPPARD
ADMINISTRATIVE DIRECTOR

DEPARTMENT OF PUBLIC ADMINISTRATION
318 BLAKE HALL, UNIVERSITY OF KANSAS
LAWRENCE, KANSAS 66045

913 864-3527

The University of Kansas

Department of Public Administration

SPONSORING AN INTERN

UNIVERSITY OF KANSAS Master of Public Administration students graduate after two years: 12 months of coursework on campus, and 9 to 12 months in a full-time paid internship. The internship experience provides them with the opportunity to make the important transition from student to professional.

Internship sponsors play a key role in the professional education of our students. It is a rewarding role in several aspects. KU students are enthusiastic and well qualified for the positions they take; they are a valuable resource for any organization. By taking part in the education process, intern sponsors are personally rewarded by knowing that they are contributing to the enhancement of professional public management.

Some KU MPA students are involved in formal internships and others have what amounts to a regular job. This range precludes many formal requirements, however over the past forty-five years, some guidelines have emerged:

Supervision

Intern sponsors should provide the intern with supervision and a fairly regular time to discuss his/her progress.

Learning Experiences

The intern should have a variety of experiences to develop knowledge, skills and abilities. Ideally, the sponsor and intern should develop a learning plan together.

Seminar Attendance

Interns must be permitted the time to attend three week-long professional development seminars which are part of their academic requirements. One is held in the fall at the site of the ICMA Conference, the other two are held on the KU campus the last week in January and April. (Interns usually continue to receive salary while attending the seminars; most sponsors pay the intern's registration and transportation to ICMA and some pay transportation to KU also...see salary/benefit information.

Over the course of the year, we contact the intern and the sponsor. Telephone inquiries focus on what the intern is doing and how well. Through correspondence we let the sponsor know about the seminar obligations. The goal is to keep the sponsor informed and for the sponsor to have an opportunity to let us know how the intern is progressing.

The intern is still a student with the sponsor assuming primary teaching responsibility. Some interns feel they should be able to perform like "pros" when they begin their internships. We expect them only to be ready to learn from the sponsor. At the end of the internship, graduation symbolizes a readiness to enter the public management profession.

If you have further questions, please feel free to call: Marion Sheppard, Administrative Director, Edwin O. Stone Graduate Program in Public Administration. (913) 864-3527

INTERN SALARY/BENEFIT INFORMATION

Average Salary: \$22,634

Median Salary: \$21,950

(High Salary: \$30,000 Low Salary: \$18,100)

77% of employers provide medical insurance

77% provide sick leave

88% provide compensating time off

33% provide retirement programs

66% of employers provide paid vacation

22% pay interview expenses

22% pay moving expenses

11% provide tuition reimbursement



City of Kansas City, Missouri
Heart of America

Budget & Systems

13th Floor, City Hall
Kansas City, Missouri 64106

(816) 274-1527

January 8, 1993

Michael J. McCue
City of Dexter City Hall
8140 Main St.
Dexter, MI 48130 48130

Dear Michael,

This is just to inform you that Urban Management Assistants of Mid-America continues to provide support to professional public managers in the greater Kansas City metropolitan area. We will be sending ballots out for the Board of Directors and Committee Chairs next week, so be sure to watch out for the mailing and send in your vote right away. Susan Berton, Assistant to the City Manager in Olathe and the current vice-president, will assume the presidency after the election. We appreciate your continued involvement. To confirm the status of the organization, I am forwarding to you a report from the International City Managers Association that outlines the role of the Assistants Steering Committee and lists the recognized organizations.

On a personal note, I would like to once again express my appreciation for all your efforts in helping to establish UMAMA as a viable organization. Your concern for good government and your professionalism have left a positive impression on your former associates in Kansas City.

Sincerely,

Jay Byers, President

Urban Management Assistants of Mid-America
City of KCMO City Manager's Office
Budget and Systems Division
414 E. 12th - 13th Floor
Kansas City, MO 64106
(816) 274-2545

"The rise of the internal manager, the need for more sharing of authority and responsibility among the management staff, and the continuing need to foster superior managers for the future will lead increasingly to higher status for assistant managers of the future."

—ICMA Committee on Future Horizons (1979)

"In the decades ahead, building and managing flexible and responsive local governments — organizations that anticipate and react effectively to changing conditions — will be a principal challenge facing local government managers. Indeed, the ability to identify, articulate, and interpret the implications of change for the local environment may become a defining competency of the local government management profession."

—James R. Griesemer in Future Challenges, Future Opportunities: The Final Report of the ICMA FutureVisions Consortium (1991)

Assistants & ICMA

As local government increases in its complexity, assistants are playing a key role in the growth of the local government management profession. Assistants provide vital technical and professional assistance to managers, allowing managers to become more effective brokers and negotiators of the public interest.

State and regional assistants associations have been in existence for over thirty years to meet the professional needs of their members. Assistants now comprise approximately a third of ICMA's total membership. Through the Assistants Steering Committee, ICMA is working with state and regional management associations to enhance professional development opportunities for assistants. Linkages are being built between assistants in every state to further expand their role in the profession.

ICMA Assistants Steering Committee

The ICMA Executive Board established the ICMA Assistants Steering Committee (ASC) in March 1980, in response to a proposal submitted by participants in a 1979 ICMA Assistants Leadership Workshop in Phoenix. The fifteen member committee was originally charged with advising the ICMA Executive Board on ways to improve ICMA services and involve more assistants in ICMA program activities.

The ASC's mission is to advocate the role of assistants in the profession and the Association and ensure their active participation in all aspects of ICMA's activities and governance. ASC's twenty two members are working with assistants to create communication and

support networks; provide professional development opportunities; develop and produce services and products; recruit assistants as ICMA members; and increase the awareness and significance of assistants' roles. During the past decade the ASC has implemented many projects on behalf of ICMA and assistants. They include studies on academic/practitioner relationships and state retirement systems' provisions for local government professionals; an Urban Data Service Report on assistants in the profession; a resource book for assistants associations; increased publicity for assistants activities; and surveys to develop a demographic profile of assistants and identify their training needs.

At the Executive Board's request, the ASC drafted ICMA's Declaration of Ideals; assisted in revising ICMA's Code of Ethics guidelines; and reviewed ICMA's criteria for recognizing local governments. The ASC helped develop *Investing in Our Future*, a resource book for teaching about local government, as well as ICMA's Assistant Excellence in Leadership Award in memory of Buford M. Watson.

The ASC also cosponsored the Assistant Exchange Program at the 1990 ICMA Annual Conference. ASC members continue their involvement in a variety of activities related to professional development, future issues, public education and conference planning. The ICMA Conference includes several events coordinated by ASC, including "Assistants Day" activities and an Assistants Leadership Institute for officers of state and regional assistants' associations.

Together, assistants and ICMA promote quality management through professional and personal development activities. The success of this partnership will depend upon the new ideas, issues and leadership qualities that assistants can contribute to the profession.

Arizona Municipal Management Assistants Association

Organized: 1974
200 Members



Diversified, qualified and energetic — these are the individuals involved in AMMAA. By strengthening the professional and management skills of members, AMMAA actively seeks to improve the quality of Arizona government. The association works closely with the Arizona City Management Association, culminating in an annual fundraising event for the ICMA Endowment Fund. Through a college scholarship program that recognizes excellence in public administration, AMMAA provides for the future management of the state. Member activities include monthly luncheon meetings, quarterly professional development seminars, community service events and an annual conference. AMMAA publishes a monthly information flyer known as the InfoLine, a quarterly newsletter and an annual membership directory.

Colorado Municipal Management Assistants Association

Organized: 1972
80 Members



CMMAA's purpose is to provide a forum for the exchange of ideas and information among assistants in municipal management. It provides opportunities for professional self-improvement, advancement of the municipal management profession and increased communication within the profession. CMMAA activities include a monthly newsletter announcing items of interest such as upcoming events, position openings and a monthly luncheon that features a guest speaker on various timely and interesting topics. The association works with the Colorado City Management Association in the development of its semi-annual CMMAA conference in addition to conducting its own annual workshop.

Illinois Association of Municipal Management Assistants

Organized: 1972
201 Members



IAMMA fosters and encourages the personal and professional development of its members in order that they may better serve their communities. It also promotes, encourages and preserves high ethical standards for municipal government administrators. IAMMA annually sponsors three professional development seminars, numerous professional education courses, a variety of speakers for monthly luncheons, multiple social functions and participates in the annual State Managers' Conference. IAMMA is an affiliate agency of the Illinois City Management Association and has two representatives on the ILCMA Board of Directors.

Minnesota Association of Urban Management Assistants

Organized: 1955
81 Members



MAUMA is a professional organization of administrative assistants, assistant city managers, and other professionals employed in positions that are supportive of the chief executive officer or department head of a municipal government. MAUMA is affiliated with the League of Minnesota Cities and works closely with other professional organizations in Minnesota, including the Minnesota City Management Association and the Metropolitan Area Managers' Association. Activities include monthly luncheon meetings with a guest speaker and three to four training seminars each year. The Association also publishes a monthly newsletter with announcements of organization events and substantive articles of interest to members.

Municipal Management Assistants of Northern California

Organized: 1950
320 Members



MMANC is an organization composed primarily of management professionals representing local governments throughout Northern California. It is the oldest assistants association in the nation. MMANC receives excellent support from the League of California Cities and the City Manager's Department of the League. Membership benefits include regional meetings, three general mini-conference meetings, an annual retreat, a monthly newsletter with job listings, an annual membership roster, an annual two-day conference, committee participation on MMANC and the Policy Committees of the state League and eligibility for numerous achievement awards.

Municipal Management Assistants of Southern California

Organized: 1953
500 Members



MMASC provides opportunities for professional self-improvement and development of creative approaches to urban affairs. MMASC maintains an excellent relationship with the League of California Cities, with MMASC members serving on the League's standing committee and the Executive Board of the City Managers' Department. MMASC activities include monthly meetings, seminars, workshops and annual conference and various regional and statewide task forces. Membership benefits include a monthly newsletter with current job openings, a membership roster and a membership certificate. To promote career advancement opportunities, MMASC publishes and distributes resume information for the members on its roster.

Ohio Association of Municipal Management Assistants

Organized: 1987
43 Members



The purpose of OAMMA is to foster and encourage personal and professional development; provide a resource base for interaction and exchange of information and ideas; and develop a support network among Ohio municipal management professionals to promote, preserve and encourage the high ethical standards of the city management profession. Members of the Ohio City Management Association who are serving in municipal governmental positions of administrative responsibility may become members of OAMMA. In addition, OAMMA's membership includes interus, students and individuals who are seeking a career in local government or have served in local government.

Public Management Assistants of Central California

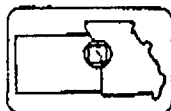
Organized: 1979
110 Members



PMACC is an organization for individuals working as assistants or in other management positions in local, state and federal government or in private non-profit agencies providing a local service. Serving as a forum for the exchange and sharing of information and friendship among local public professionals, PMACC's aim is to further the personal and professional development of members, improve the quality of public management, and actively support issues for the betterment of government. PMACC members have the opportunity to serve on the California League of Cities Policy Committee and the president is a member of the City Managers Executive Board. Members are offered an annual conference, bimonthly programs, a membership roster and a bimonthly newsletter.

Urban Management Assistants of Mid-America

Organized: 1990
45 Members



UMAMA is a professional organization of assistants in municipal, county or regional government in Eastern Kansas and Western Missouri. Its purpose is to promote interaction among these local government professionals with the intention of furthering cooperation and understanding; to foster the personal and professional development of its members; and to promote, encourage and preserve high ethical standards in local government. UMAMA holds bi-monthly meetings with speakers or facilitators covering timely subjects related to public management in the region; publishes a bi-monthly newsletter and holds an annual seminar. The organization will also be responsible for planning and managing an annual effort to perform a service of regional significance for the jurisdictions represented by the membership.

Urban Management Assistants of North Texas

Organized: 1972
309 Members



UMANT is a professional organization of persons holding entry level to mid-management positions with local governments in North Texas. UMANT provides a forum for exchange of information and ideas and promotes opportunities for professional self-improvement and advancement. Through the pursuit of this goal, UMANT will provide leadership in the field of urban management and strive to be on the leading edge in finding solutions to the challenges facing local governments. UMANT's activities include monthly meetings with speakers covering timely issues; two half-day skill building seminars; a statewide assistants retreat; and an Assistants Exchange Program with area managers. Other membership benefits are a monthly newsletter with meeting announcements, book reviews, job openings and meeting recaps; a membership directory; and opportunities to work with the North Texas City Management Association.

Urban Management Assistants of South Texas

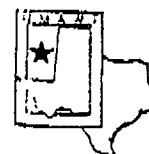
Organized: 1979
160 Members



The purpose of UMAST is to promote the professional development of its members and advance the urban management profession through active participation and association with other management organizations. The organization receives excellent support from the City Manager's Office and has established an active relationship with the Texas City Management Association. Activities include monthly meetings with programs on topics of interest to municipal management assistants; an annual professional development seminar; research on municipal administrative issues and presentation of alternatives. Member benefits include a monthly newsletter announcing business highlights and professional opportunities; certificates of membership; and a membership directory.

Urban Management Assistants of West Texas

Organized: 1986
51 Members



UMAWT's purpose is to provide professional development opportunities for assistants in the West Texas and Panhandle regions. The organization provides a means of networking for assistants in this widely dispersed geographic area. UMAWT activities include bi-monthly meetings that focus on a variety of topics of interest to public administrators in the form of workshops, day-long seminars and distinguished guest speakers. An annual retreat is held in conjunction with the two other assistants groups located in Texas. A newsletter, including job opportunities, training opportunities and other special features is issued bi-monthly.

For more information about state and regional assistants associations,
please contact the following representatives:

Arizona Municipal Management Assistants Association

Patricia Krueger (until 12/91)
Assistant to the City Engineer
City of Mesa
20 East Main Street, P.O. Box 1466
Mesa, AZ 85211-1466
(602) 644-2650 (FAX) 644-2416

Colorado Municipal Management Assistants Association

Phil Cortese (until 12/91)
Assistant to the City Manager
City of Arvada
8101 Ralston Road
Arvada, CO 80002
(303) 431-3000

Illinois Association of Municipal Management Assistants

Michael J. Earl (until 6/92)
Assistant Village Manager
Village of Wilmette
1200 Wilmette Avenue
Wilmette, IL 60091
(708) 251-2700 (FAX) 251-4962

Minnesota Association of Urban Management Assistants

Jon Hohenstein (until 6/92)
Assistant to the City Administrator
City of Eagan
3830 Pilot Knob Road
Eagan, MN 55122
(612) 454-8100 (FAX) 454-8363

Municipal Management Assistants of Northern California

Jennifer Britton (until 10/91)
Administrative Assistant
Office of the City Manager
P.O. Box 3707
Sunnyvale, CA 94088-3707
(408) 730-7475 (FAX) 730-7699

Municipal Management Assistants of Southern California

June Yotsuya (until 10/91)
Assistant to the City Manager
City of Downey
P.O. Box 607
Downey, CA 90241
(213) 869-7331

Ohio Association of Municipal Management Assistants

Mike Haverland (until 6/93)
Assistant City Manager
City of Centerville
100 W. Spring Valley Road
Centerville, OH 45458
(513) 433-7151 (FAX) 433-0310

Public Management Assistants of Central California

Carla Byers (until 12/91)
Management Analyst III
Fire Department
City of Fresno
450 M Street
Fresno, CA 93721
(209) 498-4279

Urban Management Assistants of Mid-America

Dave Davis (until 10/91)
Assistant to the City Manager
City of Olathe
126 S. Cherry, P.O. Box 768
Olathe, KS 66061
(913) 791-6200

Urban Management Assistants of North Texas

John D. Winchell (until 12/91)
Budget Analyst
Executive Offices/DFW International
Airport
P.O. Drawer DFW

Southern California

June Yotsuya (until 10/91)
Assistant to the City Manager
City of Downey
P.O. Box 607
Downey, CA 90241
(213) 869-7331

Ohio Association of Municipal Management Assistants

Mike Haverland (until 6/93)
Assistant City Manager
City of Centerville
100 W. Spring Valley Road
Centerville, OH 45458
(513) 433-7151 (FAX) 433-0310

Public Management Assistants of Central California

Carla Byers (until 12/91)
Management Analyst III
Fire Department
City of Fresno
450 M Street
Fresno, CA 93721
(209) 498-4279

Urban Management Assistants of Mid-America

Dave Davis (until 10/91)
Assistant to the City Manager
City of Olathe
126 S. Cherry, P.O. Box 768
Olathe, KS 66061
(913) 791-6200

over, please

Urban Management Assistants of North Texas

John D. Winchell (until 12/91)
Budget Analyst
Executive Offices/DFW International
Airport
P.O. Drawer DFW
Dallas/Fort Worth Airport, TX 75261
(214) 574-8059 (FAX) 574-5509

Urban Management Assistants of South Texas

Pim Darilek (until 6/92)
Planner
City of San Antonio
114 West Commerce
San Antonio, TX 78230
(512) 270-4452 (FAX) 270-4336

Urban Management Assistants of West Texas

Rick Menchaca (until 12/91)
Assistant to the City Manager
City of Midland
Dallas/Fort Worth Airport, TX 75261
(214) 574-8059 (FAX) 574-5509

Urban Management Assistants of South Texas

Pim Darilek (until 6/92)
Planner
City of San Antonio
114 West Commerce
San Antonio, TX 78230
(512) 270-4452 (FAX) 270-4336

Urban Management Assistants of West Texas

Rick Menchaca (until 12/91)
Assistant to the City Manager
City of Midland
P.O. Box 1152
Midland, TX 79702
(915) 685-7436 (FAX) 685-0523

1991-1992 Assistants Steering Committee By Region

Mountain Plains

Thomas E. Brymer, Assistant City
Manager
City of College Station, TX
Jerry S. McGuire, Assistant City Manager
City of Plano, TX
Lisa D. Takata, Project Management
Assistant
City of Phoenix, AZ
James M. Zelenski, Assistant City
Manager
City of Lakewood, CO

Midwest

Joni L. Beaudry, Assistant Village
Manager
Village of Wheeling, IL
Stephani Johnson, Assistant City Manager
City of Dubuque, IA
Terry Schwerm, Assistant City Manager
City of Minnetonka, MN
Lee Szymborski, Assistant Village
Manager
Village of Buffalo Grove, IL
David C. Whan, Assistant to the
County Administrator Scott County, IA

Northeast

R. Leon Churchill, Jr., Assistant Town
Manager
Town of Barnstable, MA
Diane M. Norris, Assistant Town Manager
Town of Davers, MA
Bonnie L. Therrien, Deputy City Manager
City of Hartford, CT

Southeast

Darlene L. Burcham, Assistant City
Manager
City of Norfolk, VA
Vicki S. Heidinger, Executive Assistant
City of Asheville, NC
Barbara W. Lipscomb, Assistant to the
City Manager
City of Lakeland, FL
Peggy Merriss (Chair), Assistant City
Manager City of Decatur, GA
Israel G. Small, Asst. Chief Administrative
Officer
City of Macon, GA

West Coast

Kurt P. Fritsch, Assistant to the City
Manager
City of Henderson, NV
Clifford Hoskins, Administrative Assistant
City of Santa Clara, CA
Monika Hudson, Consultant
City of Oakland, CA
Manny M. Ocampo, Assistant City
Manager
City of Whittier, CA
Mary S. Vail, Assistant to the Executive
Director
Association of Bay Area Governments, CA

Lansing State Journal

120 East Lenawee Street Lansing, MI 48919

Human Resources Department • 517-377-1130

January 10, 1993

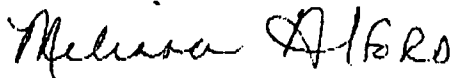
TO: WHOM IT MAY CONCERN

This letter is to confirm that Michael McCue was employed at the Lansing State Journal from September 20, 1985 until July 30, 1989.

Mike worked as a Customer Service Representative in our circulation department from September 20, 1985 until June 22, 1986. He joined the news department as an Editorial Assistant on June 23, 1986 and remained in that position until July 30, 1989.

Company policy permits the confirmation of a former employee's employment dates and positions. We are unable to release any further information without written consent. If you should have any questions, please don't hesitate to contact me at (517) 377-1037.

Sincerely,



Melissa Alford
Human Resources Specialist

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To: Mike McCue	From: Melissa Alford	
Co.	Co.	
Dept.	Phone # 517 377-1037	
Fax # 313-426-5614	Fax #	

Petition asks Lamkin to resign from board

AUG 5 1987 BA

By ROBIN GAINES

A petition asking for the resignation of Hamburg Township trustee Mary Ann Lamkin was submitted to the township board at its meeting July 28.

The petition, which was signed by 78 people and read by resident Joyce Barkman during the call-to-the-public portion of the meeting, accused Lamkin of leveling "false accusations" and "fabricated stories of conspiracy to further her own political aspirations"; costing the township "thousands of dollars in special elections and investigations"; sabotaging the efforts of the board in obtaining grants for the wastewater treatment plant; and representing a "special-interest group" during her term in office.

"We feel that... Mrs. Lamkin has become so involved in a personal vendetta against any public official or resident who does not agree with her views, that her presence on the board has become a liability to our township and its residents," Barkman read.

"We therefore respectfully request that Mrs. Lamkin resign her seat on the township board effective immediately."

"I will not tender my resignation," Lamkin responded.

Barkman said she was prompted to circulate the resignation letter for signatures when she heard that a grand jury petition had been filed in circuit court asking for an investigation into alleged im-



Photo by SCOTT PIPER

Trustee Mary Ann Lamkin: "If they really have a lot in there to accuse me of, then let the people of this community use their right to recall me."

proprieties by various township officials.

"I think she was behind it (the grand jury petition) every step of the way," Barkman said. "The people who signed it work very closely with her."

The petition, filed by 13 Hamburg Township residents, some of whom were part of the effort to recall (along with Lamkin) three township officials last year, charges the members of the governmental units of "corrupt, unethical and criminal actions" in handling

township business.

Lamkin, whose signature is not included among the 13 who filed the grand jury petition, says she first learned about the petition from a story in this newspaper, but said if members of the community have concerns that can't be answered to their satisfaction, then they should be answered by a "higher authority" than the board.

"They never listen to public input," Lamkin said. In that respect,

Continued on 2

Petitioners urge Lamkin to resign from twp. board

BA AUG 5 1987

Continued from Page 1

She added, "I'm always at opposites with the majority of the board."

"If you talk to (Tom) Kamppinen (chief of the municipal facilities section of the Michigan Department of Natural Resources) or anyone else in the know about the sewer issue, I am not regarded as a saboteur," Lamkin said.

Lamkin said she doesn't understand the petitioners' charge that she has undermined and destroyed the effectiveness of the board by participating in last fall's unsuccessful recall of Supervisor Hank Wuckert, Clerk Martha Parrish and trustee Richard Everett.

"I'm firmly behind the petitioners' right to recall and so should they... it is our constitutional right to recall."

"In fact, if they really have a lot in there to accuse me of, then I hope the people of this community use their right to recall me," Lamkin said.

"I have nothing to fear."

"We said we did not feel a recall was the right thing to do because of the cost of recalls and because of elections next year," Barkman said.

"The people in the community who spoke with me are very up in arms about her actions (at the board meeting). They said they were not only embarrassed but embarrassed to admit they supported her as a trustee."

In defense of Lamkin, members of the audience offered their support for the job Lamkin did as a trustee.

"Don't accuse Mary Ann. You know what's going on (at township meetings)," res- Halina Frazzille said.

Hamburg board supervisor hears threat of recall

By BARRIE DARBET

The Dec. 19 Hamburg Township board meeting started off with a bang when members of the board were threatened with a recall campaign.

Former trustee Mary Ann Lamkin called for Supervisor Harry Bater to resign from his position on the Hamburg Township Planning Commission because of an alleged conflict of interest and promised a recall election if he did not.

Likewise, resident Stan Parrish called on Clerk Martha Parrish to resign because of her support of the proposed \$9.2 million Portage Baseline lakes sewer project and said residents are prepared to start a recall campaign against her.

Lamkin said she was "externally unhappy" with Bater's performance as a commission representative and alleged a conflict of interest when he was said to have voted on a rezoning request for Zuky Lake Tavern.

The tavern has requested a change in zoning from waterfront residential to neighborhood services. As part of the request, it was seeking to expand a dining area and make the restrooms accessible for the handicapped. Linda Hartman, deputy clerk said.

The board turned down a similar request last year, Hartman said.

Most recently, the planning commission OK'd the request in a 5-2 vote Nov. 1. It has since been sent to the county planning commission which will send its recommendation to the township board.

"I was externally upset because Mr. Bater chose to vote at that time," Lamkin said.

A Bater campaign sign was said to have been placed on the side of the tavern during the election.

"I'm not going to pull any punches tonight," she said. "I think Harry Bater should resign from the planning commission."

She also criticized two other members saying one had "absolutely no idea what he's doing on the board."

She promised a recall election if Bater did not resign his position. "I know that is a very nasty, ugly word. I've been involved in one in the past."

The petitions, she said, "are ready to go tomorrow."

A letter from Hamburg resident Robert Waters was also read into the minutes. In it, he asked Bater and Trustee James Hollenbeck to abstain from voting on the Zuky Lake rezoning request.

"I feel this would be a blatant conflict of interest on their part," he said in the letter. "Their names were

very obvious why their support lay with people who would be making decisions that would affect their expansion plans."

Bater asked to put the issue on the agenda so he could respond.

However, Hollenbeck said, "Don't respond to it. There's no necessity to discuss that."

Bater disagreed. "When you let things lie they tend to fester."

Later, he said, "I would like to state that I think we still live in a democracy today and I think the request is completely out of (line)."

"To be honest with you ladies and gentlemen, I have seen no conflict of interest in anything I have done."

"I'm not fearful of a recall."

Just prior to Bater's remarks, Lamkin said, "The people of this community are going to have a recall election and the primary target is going to be you, Harry."

She also criticized Bater for what she said was a willingness to side with developers. "... I dare say if I was a developer I wouldn't want to be within around you within a 20-mile radius," she said, because of the promised recall campaign.

Trustee Loren Winn said, "I think it's a shame that we have to be threatened year after year by the same person."

He said Lamkin was taking the action "just because she wants to satisfy her own ego."

"You can't respond to threats all the time. You have to listen to the people and do what's right."

At the end of the meeting, Lamkin complimented Winn on an "outstanding dramatic play."

She criticized Winn for his performance as a trustee, saying he sits at the board table "like a bump on a log." Referring to her educational background, she said, "If you can't compete with my knowledge then you should shut up."

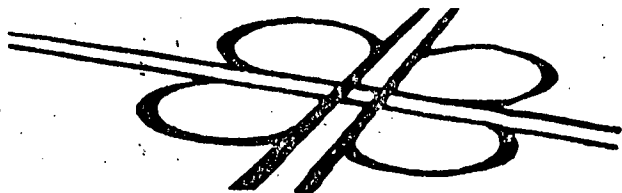
Stan Parrish, who is not related to Clerk Martha Parrish, said he was upset with the clerk's support of the proposed \$9.2 million Portage Baseline lakes sewer project.

Putnam and Dexter Township voters turned down a ballot request to approve the full faith and credit of the township to complete the project.

Hamburg, Webster and Dexter townships have asked Washtenaw County to find a different way to finance the sewer system, Martha Parrish said. She said Putnam Township, the fourth municipality involved in the project, was considering a similar request.

'You be the editor' today —

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Vol. 110, No. 9, 44 Pages

Wednesday, January 10, 1990, Brighton, MI

Recall petitions are not approved

By **BARRIE BARBER**

The wording on recall petitions filed against three Hamburg Township Board members was rejected by the Livingston County Board of Election Commissioners Tuesday, saying it was "too vague and nebulous."

Former board trustee Mary Ann Lamkin asked the commission to approve the wording on recall petitions for Supervisor Harry Bater and trustees James Hollenbeck and Loren Winn.

Lamkin, who was not present at Tuesday's hearing before the three-member board, has the option of changing the wording and asking again for the petitions to be approved. Lamkin needs approval of the wording before the petitions can be circulated.

Even before Tuesday's hearing, three Hamburg officials targeted the recall campaign said the charges against them were "ludicrous" and not based in fact.



Harry Bater: "Mrs. (Mary Ann) Lamkin is a vindictive person bent on recalling board members that dare to take an opinion different from hers. I feel sorry for those that follow her lead."

But Lamkin alleged she has made charges she can support and gave what she said were examples to support her claims.

Lamkin has sought to recall the three and has accused them of using their elected office to pay off political

Continued on 2

Girl charged Family argument

By **DAWN RIFFENBURG**

A 14-year-old Genoa Township girl has been charged with one count of assault with intent to murder and may face additional charges after allegedly shooting her parents Saturday night.

Friends and school officials describe Brighton High School ninth-grader Bethany Sikora as "caring" and "responsible," but that description doesn't appear to fit the girl who allegedly shot her parents three times during a verbal argument.

Her mother, Lillian Sikora, was listed in serious condition Monday at St. Joseph Mercy Hospital in Ann Arbor. Her father, Norbert, was listed in fair condition at the same hospital.

Bethany Sikora was arraigned before Probate Court Judge Susan Reck Sunday. A preliminary exam was also held Sunday, and the girl is now in a juvenile facility in Flint awaiting a Feb. 9 juvenile court trial in Howell.

Livingston County juvenile facility; Bethany is in the Livingston County Jail until after Sunday proceedings.

The Livingston County clerk's office has 11 days to decide whether to petition the court to be allowed to treat Sikora as an adult. Prosecutor David Morse said as of Tuesday the decision had not been made.

"One big factor in the decision is going to be what the condition ultimately turns out to be," Morse said. "The factor in that decision we can find out about the girl herself. The less justified her action would be for her action likely we are to waive her as an adult."

The assault charge was filed against Bethany on Sunday. Point concerns her 14 charges have been made against alleged actions against her mother.

Lillian Sikora's condition

petition wording is turned down

ued from Page 1

"among other allegations. She total of six charges against official.

the commission said it would difficult for an official to de- himself against such allega- that were determined to be

ney John Drury, represent- Zukey Lake Tavern (subject of versal rezoning case which al to Lamkin's recall cam- spoke out at the hearing t the petitions. He said that af- hearing, he was going to file a r suit against Lamkin on be- the tavern owners.

r Tuesday's ruling, Hollenbeck feel vindicated." Bater added, ot only thrilled, but grateful eir decision."

kin had accused Bater of en- ing development and has d he encourages commercial- and industrialization; prom- owth without sound planning; tely" misleads the township olving planning commis- sioners; appoints planning ssion members with prom- ent positions; and continu- ndermines the efforts of the urg Environmental Review in order to promote his pro-

development philosophy.

Bater, reading last week from a prepared statement, said, "Mrs. Lamkin is a vindictive person bent on recalling board members that dare to take an opinion different from hers.

"I feel sorry for those that follow her lead. I feel sorry for the taxpayers in Hamburg Township who have to pay for this vindictive recall she is attempting.

"On the bright side, I see the silent majority that put the present board in office prevailing on this issue, and, when it's all over, if you listen real close, you'll probably hear, 'I got their attention, didn't I,' or something to that effect."

Bater said some "very sensitive litigation" has been discussed which involves Lamkin. "That's what I would really like to talk about," he said, adding he could not comment further.

Lamkin said the recall attempt was not done out of spite.

In two separate petitions, Lamkin alleged Hollenbeck and Winn have, among other things, come to board meetings unprepared; have done little to represent the citizens of the township; and "continually" display "unacceptable behavior" at township board meetings.

She has also charged Winn has misled citizens on his educational credentials, and has shown poor at-

tendance as a representative to the Zoning Board of Appeals.

And she has alleged Hollenbeck has shown poor attendance at town- ship board meetings and encourages commercial and industrial development.

Hollenbeck and Winn both said last week that Lamkin's charges were not based in fact.

Lamkin promised a recall election at the Dec. 19 board meeting if Bater did not resign his position on the planning commission. She objected to Bater and Hollenbeck ruling on a rezoning request for Zukey Lake Tavern, saying they were repaying the tavern for supporting them in the 1988 election.

A campaign sign was put up on the side of a shed on a separate piece of property behind the business, which endorsed Bater and Hollenbeck, Zukey Lake Tavern co-owner Rick Glazer said.

Lamkin alleged it was a conflict of interest to vote on the request when Bater and Hollenbeck were endorsed on a banner by the tavern's owners. She later added it was "irrelevant" where the banner was located.

Bater said he sees no conflict of interest in anything he has done. But Lamkin has questioned why he did not abstain from voting.

Glazer said the state investigate complaint about the sign on the shed and found no impropriety, although it should have had a disclaimer, added.

Glazer said he supported Bater and Hollenbeck during the 1988 campaign because of their support for the rezoning request. But, added, "They didn't vote yes for us cause we had a banner on our shed."

Glazer said he and co-owner Chuck Plante have asked the tavern be rezoned from waterfront residential to neighborhood services to make the restrooms handicap accessible, build a non-smoking dining area and provide more storage space as required by the health department. Both the township and the county planning commission have approved the recommendation, Glazer said.

The township board must now vote on the request.

In other township news, Lamkin said she has asked the county prosecuting attorney's office to investigate the possibility of "criminal charges against board members in how Island Shore/Shelenker Drive could be assessed.

David Morse, prosecuting attorney, said Monday his office has investigated the matter and found there was no basis for criminal prosecution.

enoa will charge for trash pick-up

ued from Page 1

ments I got were, 'what are going to do with the money?' township has paid about \$100 annually for some 3,400

That amount accounts for one-third of its budget, according to Clerk Paulette Skolarus. "No matter how you cut it, it's still a gain," said Supervisor Robert

y of the increase. s were scheduled to be mailed 5. Residents will have about 30 to pay the fees. If not paid on late fees will range from \$8 for a family residence to \$16 for a

of the rate increase, the

board adopted a waste management ordinance that, in part, limits garbage collection to four 30-gallon bags or an equal volume; three 30-gallon garbage cans; or a 90-gallon garbage and refuse container.

Backers of the ordinance hope it will encourage residents to dispose of garbage properly, spur recycling and be cost effective.

Correction

An article in the Jan. 3 Green Sheet should have said that a special room rate at the Knights Inn of Howell was in effect through Dec. 29, 1989.

"We are not going to be picking up grass clippings and leaves" and other yard wastes, Skolarus said after the meeting. "That's the only reduction we are going to be making so people will be able to meet that curb side reduction."

Trustee John Esbrook, who was the sole no vote, said he would like to see recycling bins placed around the

area to discourage dumping trash along roadsides.

But Trustee Doug Brown said has not seen roadside dumping result from similar actions. "I've been pleasantly surprised. It has not happened to the degree that I thought would."

And Murray said he supported recycling bin in the township also

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Slander suit against Lamkin

By MARIA STUART

A slander suit filed by the Zuky Lake Tavern against former Hamburg Township Board member Mary Ann Lamkin was dismissed by a judge April 9, but the tavern's owners and their attorney say that the fight is far from over.

"We are appealing, absolutely," said Rick Glazer, who owns the Zuky Lake Tavern along with Charles Plante.

"We are very disappointed. We feel that there was obvious slander," Glazer said. "She accused us of things that were illegal, and we feel we are entitled to punitive damages."

Judge Stanley J. Latreille did not agree.

In his opinion on the case, he wrote that "the court can find nothing more than the most vague and conclusory allegations relating to damages. . . plaintiffs have failed to demonstrate a genuine issue of material fact on the subject of damages."

"I never said one word I was accused of saying," Lamkin said. "The judge decided that there was no foundation for the (slander) suit."

"I never said one word I was accused of saying."

—Mary Ann Lamkin



Michael Merritt, attorney for Zuky Lake Tavern, said that his clients suffered "lots of sleepless nights."

"We've shown that slander is there," he said. "How do you prove how many people did not walk in the door (of the tavern)?"

The owners of the Zuky Lake Tavern filed suit against Lamkin last year, claiming that she had accused them of paying off Township Supervisor Harry Bater and trustees James

Hollenbeck and Loren Winn for their favorable votes on a rezoning request.

The tavern requested to have its zoning changed to neighborhood services from non-conforming waterfront residential so that it could expand to provide handicap restrooms, a no-smoking section, and increased storage.

Lamkin objected to each man's "yes" vote on the Zuky Lake Tavern

rezoning request, saying that they were repaying the tavern owners for their support of them in the 1988 election, in which she unsuccessfully ran against Bater for township supervisor in the Republican primary.

She also said that it was a conflict of interest for Bater and Hollenbeck to vote on the rezoning request because the tavern openly endorsed them by displaying a banner.

Glazer said that a political banner was never put on the side of the tavern, but was put on a shed on a separate piece of property located behind the business.

"We all know that I never said anything that they accused me of," Lamkin said. "I said that Harry (Bater) was not appropriate for the planning commission because he had no skills and no understanding of planning."

"I challenged him, but I never said what they accused me of saying."

Lamkin claims that the suit against her was a "frivolous attempt" to shut her up.

Continued on 6

Mary Ann Lamkin wins suit; appeal promised

Continued from Page 1

"They wanted to keep me quiet," she said. "Their rezoning request was inappropriate. I offered up a more viable option for them."

Lamkin said that she was the only person on the Hamburg Township Planning Commission who tried to help them with their rezoning request.

Glazer claims that the rezoning option proposed by Lamkin, an "Old Ham" historic building classification, is not what the tavern

wanted.

"To my mind, that zoning is to restore and renovate. We just wanted to expand," Glazer said.

Lamkin said that she has spent nearly \$9,000 defending herself and that she is going to file a motion to have the tavern pick up the tab for her attorney fees.

Glazer said that he is going ahead with his appeal.

"In my opinion, the court has given Mary Ann Lamkin justification to continue her reign of terror," he said.

hears bid for recall

Continued from Page 1

"I'm asking you to resign now," Stan Parrish said. "We are prepared to start a recall election against you."

"There's a lot of people on that lake that aren't in favor of that sewer, and you rammed it down our throats."

But Joanne Speer, a Portage Lake area resident, said she supported the clerk. "Please help us get our sewers," she said, adding later she cannot do her laundry.

After a special Thursday meeting, Martha Parrish said, "It would not serve the people of Portage Lake for me to resign. I will instead continue to work for the project and I am genuinely sorry there is so much animosity towards me but sometimes that's the price of getting something done."

Said Linda Strang: "We all want the project and Marty is just part of the board. . . . to single out Marty as a portion of this is ridiculous."

Information is corrected

A story in the Jan. 24 Argus should have said a Hamburg Township wetlands ordinance was returned to the Hamburg Environmental Review Board for simplification. It has not been approved by the township board.

A story in the Dec. 27 issue should have said Hamburg resident Mary Ann Lamkin as saying at a township board meeting, "If you passed the ordinance that I have before me, I would have to resign my position on the board."

ARGUS 1-31-90

School (now called Cambridge Place),
7400 W. Grand River Ave., Brighton.
Call 546-6718 for more information.

12-27-89 →
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Village of Dexter
APPLICATION
SITE PLAN REVIEW

For Office Use Only

Case # C1-001

Date Rec'd 3/25/91

By J.S.

Application is being made for :

- () Preliminary Site Plan Review
() Final Site Plan Review
(X) Combined Preliminary and Final Review
() Waiver of Site Plan Review

Property Address 3512 Broad Street

Legal Description _____

Property Owner Conrail Corporation 17301 Mich. Ave. Dearborn, Mi. 48126
Name Address City, State, Zip Phone

Applicant Carpenter Lumber Inc. 3515 Broad Street Dexter, Mich. 48130 426-8119
Name Address City, State, Zip Phone

Representative Carl Hueter A.I.A. 3055 Plymouth Road Ann Arbor, Mi. 48105
(e.g.Engineer) Name Address City, State, Zip Phone

Proposed Use Lumber storage and sales Existing Use Lumber storage

* * * * *

Building and Parking Information

a. Total site area 31812 sq. ft.
b. Number of buildings 3
c. Building coverage 5006 sq. ft.
d. Building coverage (c÷a) 16 %
e. Building height 26 ft.
f. Total floor area 7950 sq. ft.
g. Floor area ratio (f÷a) 25
h. Total paved area -0- sq. ft.
i. Total impervious coverage $\frac{(c+h)}{a}$ -0- %

j. Number of parking stalls 8
k. % of stalls compact size -0- %

Residential Uses Only

l. Number of units _____
for multi-family: efficiencies _____
1 bedrooms _____
2 bedrooms _____
m. Density (a÷l) _____ sq.ft./unit
n. Total floor area on any incidental office or commercial space _____ sq. ft.

SEE REVERSE SIDE FOR INFORMATION ABOUT FILING DEADLINES AND PLANS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION.

Owner's Signature _____ Date _____

M. Hueter 3-20-91
*Applicant's Signature Date

*If the owner does not sign, the applicant must submit an "Owner's Authorization Affidavit".

**Village of Dexter
STAFF RECOMMENDATION REPORT**

Date: April 11, 1991

I. GENERAL INFORMATION

Applicant: Carpenter Lumber Company

Location: 3512 Broad; Southeast of Huron and Broad Streets

Requested Action: Combined Preliminary and Final Site Plan Approval

Purpose of Request: Construct a 7950 sq. ft. retail/wholesale lumber operation

Size of Site: 31,812 sq. ft.

Existing Zoning: I-1

Existing Land Use: Industrial

Adjacent Land Uses and Zoning:

North: Single-family - I-1 and R-1-C

South: Railroad r-o-w - I-1

East: Single-family & railroad - R-1-C & I-1

West: Industrial - I-1

General Neighborhood/Area Description: Mixed use area with low-density residential uses along Huron Street, and industrial uses adjacent to the railroad line.

Future Land Use Plan Designation:

Local Commercial

II. SPECIAL INFORMATION

1. Existing Condition - This site currently contains a 1,200 sq. ft. semi-enclosed industrial shed.
2. Development Proposal - The applicant proposes to construct a building addition having a footprint of approx. 3,000 sq. ft. Total square footage in both buildings on two levels would be 7,950 sq. ft.

Outdoor storage is proposed in the southeast leg of the lot.

3. Traffic/Circulation/Paving - On-site circulation is proposed to be in a one-way pattern around the buildings, with two curb cuts onto Broad Street. The northern curb cut appears to be approx. 40-50 feet from the intersection of Huron Street.

Crushed rock is proposed for all driving and parking surfaces.

4. Parking - Eight stalls are proposed; four adjacent to the west wall of the existing building, and four more above the retaining wall located south of the southern drive.
5. Drainage - Surface drainage is proposed.
6. Landscaping/Buffering - A six foot fence is proposed for buffering the single-family residences. No detail is given.
7. Utilities - The Fire Department notes that water service is inadequate. The Utilities Department would require a sewer tap upstream of the existing manhole on Broad and Huron.

III. ANALYSIS

1. Land Use/Zoning - An anomaly of the existing zoning ordinance is that C-3 zoning allows lumberyards by right, but I-1 requires a Special Use Permit. No such permit has been applied for. This is a relatively unimportant technical detail of the application which could be easily corrected with a future hearing. However, the plan as submitted cannot be approved regardless of type of application due to severe deficiencies which violate engineering and zoning ordinance standards.

The Council may make special design and operation requirements for Special Use Permits (Section 8.02) to insure compatibility with surrounding land uses, or may deny such requests based on land use incompatibility.

2. Site Improvements - The gravel surface proposed is not appropriate adjacent to residential uses. Although crushed rock is allowed by ordinance in I-1 zoning, the resulting dust would be an unwelcome pollutant to the residents.

In addition, outside storage is not allowed in I-1 with a special permit.

3. Access/Site Circulation - Although comments have not yet been received from the Village engineer, it would appear that the northern curb cut is located much closer than the usual 60 ft. minimum from the intersection of Huron Street. This is especially undesirable considering the truck traffic which will be associated with this use.

In addition, within the circular on-site traffic pattern proposed, vehicles would be required to drive through a 10 ft. wide space between the northeast corner of the existing building and the north property line where a fence is proposed. This is likely to be unworkable, and would likely result in damage to the fence and adjacent residential property. With the proposed building layout, any alternative to this circular drive pattern would result in using either the street or the proposed landscaped area for truck maneuvering.

4. Parking - The eight parking spaces provided might be sufficient for an operation of this kind, however, the four stalls above the retaining wall could never be considered useful for customer spaces.
5. Landscaping/Buffering - The 6 ft. fence as a buffer between this site and the residential meets the ordinance requirement for buffering. However, if evaluated as a special use, landscaping would almost certainly be required considering the difference in intensity between the industrial and single-family uses.

Rather than providing a large landscaped area at the front of the site across for the existing and future industrial uses to the west, landscaping should be concentrated along the north edge.

IV. RECOMMENDATION

This plan, with a dust-producing gravel surface, potentially hazardous access, inadequate site circulation, and lack of residential buffering should not be approved.

A greatly revised plan should be considered by the applicant which places the new building along the northern edge of the site, using the north building face and landscaping to separate the residential area from the effects of traffic and industrial activity on the site. This would allow a major portion of the site to be used for truck maneuvering, and would allow a single curb cut to be located further from the Huron Street intersection.

All driving surfaces should be hard-surfaced and drainage handled to Village engineering standards.

V. ATTACHMENTS

1. Utility Department memo
2. Fire Department memo

This property will need a special use permit for this business in I-1.

1. External structure (30x40) not a legal building.
2. Paving
3. No open storage
4. Storm drainage solution not in compliance with village standards
5. Question locations of parking.

EXHIBIT NO. 6

Ayes: Bishop, Arbour, Hansen, Hosmer, Waggoner, Bell, Cousins,

Betz

Nays: None

NEW BUSINESS

1. Application for Combined Preliminary and Final Site Plan; Carpenter Lumber, 3512 Broad. Applicant, Carpenter Lumber, Inc.

Moved Cousins, support Bell to reject the application as presented with suggestion being made to Mr. Carpenter to make application for a special use permit for a lumber yard in a I-1 district if he wishes to pursue this project and with comments made by the site plan review committee forwarded to Mr. Carpenter and the Village Council.

Ayes: Bishop, Arbour, Hansen, Hosmer, Waggoner, Bell, Cousins,

Betz

Nays: None

2. Application for Preliminary Site Plan and Zoning Board of Appeals Waivers; Cousins Heritage Inn, 7954 Ann Arbor Street. Applicant, Paul Cousins.

Commissioner Cousins removed himself from the table at this point (8:37) due to a conflict of interest.

Mr. Cousins made presentation of his plan for restaurant expansion.

Commissioner Bishop made presentation of the report of the site plan review committee.

Moved Bishop, support Hansen to accept the staff recommendation to recommend the Village Council grant preliminary site plan approval for P. Cousins, 7954 Ann Arbor Street and to approve the request for waivers listed items 1-4.

Ayes: Bishop, Arbour, Hansen, Hosmer, Waggoner, Bell, Betz

Nays: None

(Abstain: Cousins)

Commissioner Cousins returned to the table at this point (9:47).

REPORTS OF OFFICERS AND COMMITTEES

1. Sign Ordinance Committee-Chair Cousins

The commission set a public hearing for May 20th at 7:00 PM for the purpose of gathering information for use in the drafting of proposed changes to the Village Sign Ordinance.

2. Landscape Ordinance Committee-Chair Cousins

The committee will meet with the new zoning inspector.

3. Capital Improvement Program Committee-Chair Bishop

DATE: April 15, 1992

MEMO: Discussion Regarding the Proposed Site Plan for Carpenter Lumber

TO: Village Planning Commission

FROM: Staff Planner - Mary Ann Lamkin

RE: Standards for Limited Industrial Districts

Phil Carpenter has chosen to submit a site plan for his leased parcel (from Conrail) adjacent to the Conrail main track, for the purpose of making a better use of his industrial site. He is acknowledging the fact that industrial areas are designed to provide sites within a community where the uses will generate the least amount of nuisance affected by their presents. They (the uses) do however have minimum noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter, therefore regulations within these (I-1) districts need to exhibit a fair coordination between their right to legally exist and their basic zoning regulations required for existence.

OUTDOOR STORAGE AND SURFACE WATER RUN-OFF are two areas of concern that unfairly impact uses within the current (I-1) districts.
Example:

1. Section 5.01 (B)(2)(a)(b) - These 2 regulations impose incredible handicaps upon the I-1 site by requiring uses indicative of need for outside storage to create storage sheds/buildings all over the site. (keep in mind the 10 ft. min. distance between structures and the respective set back requirements, as well as the height restrictions). Particularly in this case (lumber), we are talking about a variety of types, sizes, kinds of accessibility; requiring a variety of related building structures.
2. Engineering Standards relating to Storm Water Sewers and Retention Basins - These standards need to address the fact that some of the Village proper, has no direct access to the use of storm sewers, making retention the only alternative. Practically speaking, the Village did not provide for lots large enough (anywhere in the original Village) that could physically comply with all zoning regulations and then added on-site retention areas.

Curb and guttering seems nonsensical, because of the purpose and intent of the use of curb and gutter. Collecting and directing water "to what"? Non-impervious

Village of Dexter
APPLICATION
OF ZONING COMPLIANCE

RECEIVED AUG 13 1992

For Office Use Only
Case # C9-92-012
Receipt # 0383
Date Rec'd 4/27/92

This application is to be used ~~only for the four items listed below~~. All other uses first require Site Plan Review by the Planning Commission and Village Council. The fee for this application is \$25.

3512

3520 BROAD ST
Property Address

LUMBER OFFICE
Proposed Use

I-1
Zoning District

Approval is requested for

- () New single-family dwelling
() Addition to single-family dwelling
() Detached structure (garage, fence, etc.)
(X) ~~Remodeling of any building type~~

MAS. Repair; alteration

CONRAIL Address City, State, Zip Phone
Property Owner
CARPENTER LUMBER 3520 BROAD ST DX, M. 48130 Phone
Applicant Address City, State, Zip 426-8119

This request involves a legal non-conforming structure.
11.05-11.06

Regulations and Standards

	Plan Submitted	Requirement
Front Yard Setback (ft.)	<u>108</u>	_____ min.
Side Yard Setback (ft.)	<u>88/12</u>	_____ min.
Rear Yard Setback (ft.)	<u>60</u>	_____ min.
Lot Coverage (%)	<u>3.77%</u>	_____ max.
Height (ft.)	_____	_____ max.

Check here if a variance was granted for this project.

Owner's Signature

Date

Applicant's Signature

Date

* If the owner does not sign, the applicant must submit an "Owner's Authorization Affidavit".

SEE REVERSE SIDE FOR INFORMATION ABOUT PLANS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION.

Village of Dexter
APPLICATION
AMENDING THE DEXTER VILLAGE MASTER PLAN

For Office Use Only

Case # _____
Date Rec'd _____
By _____

Application is being made for :

Request to change from URBAN RESIDENTIAL; MEDIUM DENSITY to
LIGHT INDUSTRIAL

Property Address 7931 Grand Street

Legal Description See legal description attached

Tax Code Number(s) 82-08-06-427-001; 82-08-06-427-002; 82-08-07-100-045; 82-08-06-155-00

Property Owner Pilot Industries Inc. 7931 Grand Street, Dexter, MI 48130 426-9222
Name Address City, State, Zip Ph

Applicant Barney Raysor 7931 Grand Street, Dexter, MI 48130 426-9222
Name Address City, State, Zip Ph

Representative Cornerstone Design, Inc., 5277 Jackson Road, Ann Arbor, MI 48103 663-7580
(e.g. Engineer) Name Address City, State, Zip Ph

Proposed Use Light Industrial

Existing Use Light Industrial

* * * * *

NOV 6 1992

Building and Parking Information

a. Total site area 276,500 sq. ft.
b. Number of buildings 5
c. Building coverage 88,200 sq. ft.
d. Building coverage (c÷a) 32 %
e. Building height 26 ft.
f. Total floor area 90,690 sq. ft.
g. Floor area ratio (f÷a) 33 %
h. Total paved area 108,870 sq. ft.
i. Total impervious coverage $\frac{(c+h)}{a}$ 71 %

j. Number of parking stalls 131
k. % of stalls compact size 0 %

Residential Uses Only

l. Number of units _____
for multi-family: efficiencies _____
1 bedrooms _____
2 bedrooms _____
m. Density (a÷l) _____ sq. ft./unit
n. Total floor area on any incidental office or commercial space _____ sq. ft.

SEE REVERSE SIDE FOR INFORMATION ABOUT FILING DEADLINES AND PLANS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION.

Robert A. Jan 12/3/92
Owner's Signature Date

Barney Raysor 12/3/92
Applicant's Signature Date

*If the owner does not sign, the applicant must submit an "Owner's Authorization Affidavit".

APPLICATION DEADLINE

All applications must be presented to the Planning Commission at a public hearing for a recommendation prior to being forwarded to the Village Council for final consideration. Commission meetings are held on the third Monday of each month. Completed applications must be filed with in the Village office by 5 p.m., Monday, three weeks prior to the meeting. Applications received after that time will be placed on the following Commission agenda. Incomplete applications cannot be processed.

SUBMITTAL REQUIREMENTS

In addition to the information on the front of this application, the following information must be submitted:

1. A plan which meets the requirements of a preliminary site plan. The preliminary site plan checklist should be used as a guide for the required information and number of copies to be submitted.
2. A statement describing the use proposed. This should include information about the hours, number of employees and clients, type of programming or services, traffic expected to be generated, and any other pertinent information and/or site development characteristics.

(For office use only)

Deposit Paid (\$200) Receipt # 6617 Date 12/3/92
(The total cost is the deposit, plus actual charges for advertising and publication).

Planning Commission hearing scheduled for _____

Final Commission Recommendation:

Approval _____ Denial _____ Date _____

Village Council hearing scheduled for _____

Final Council Action:

Approval _____ Denial _____ Date _____

December 19, 1991

REGARDING: Level I Planning/Zoning Commissioner Seminar

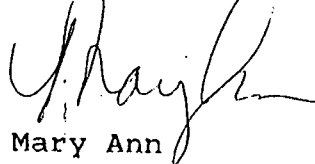
TO: Karen, Rick, and Paul C.

I have enclosed a copy of a registration form for a seminar that deals with information for Level I planning commission instruction for planning commissioners. If you wish to attend please let me know by the first week in January. The Village will be picking up the tab for the training session. What a deal!

I have gotten permission to send 3 of you, so... you are my first choices. These seminars fill very fast so time is important if you can not attend and I have time to invite others before every spot is filled.

We can car pool to the Oakland Center (Pontiac) seminar. I will drive because I will be going to show you the ropes, plus I've been to the Oakland Center.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary Ann", is written over the typed name.

Mary Ann

LEVEL I PLANNING/ZONING COMMISSIONERS

We would have to leave my place by 12:30 pm

PROGRAM

2:30 - 3:00 Registration and coffee

3:00 - 3:10 Welcome and introduction

3:10 - 5:30 Duties and responsibilities of planning commissions

- Preparation of the master plan
- Zoning reviews
- Specific procedures will be reviewed for making decisions on: amendments, special land uses, planned unit developments, site plan review, appeals, and court reviews
- Capital facility reviews
- Relationship to other decision bodies

5:30 - 6:00 Questions and answers

6:00 - 7:15 Dinner

7:15 - 8:15 Making proper planning & zoning decisions - open meetings, rules of procedure, public notices, public hearings, quorums, findings of fact, site visits, discussion, conclusions, motions, record keeping, conditions on discretionary decisions, performance guarantees

8:15 - 9:00 More case examples & questions and answers

9:00 Adjourn

Registration Form PLANNING/ZONING COMMISSIONERS LEVEL I TRAINING WORKSHOPS Feb. 25 - Mar. 24, 1992

Name _____
Title _____
Govt. Unit _____
Address _____
City _____ Zip _____
Daytime Phone (____) _____

FEES

Fees include a packet of training materials, instruction, and dinner. There is a discount for MSPO members, early registration, and for groups from the same governmental unit.

Groups may split persons between the Basic Training Workshops (send some to the planning commissioner session and others to the zoning board of appeals session) when all persons attend in the same location.

Early Registration Rates (must be postmarked at least ten days before the workshop date)

- _____ Individual & MSPO Member \$75
- _____ Nonmember \$85*
- _____ Group of 5 or more
- _____ MSPO Members \$70 Nonmembers \$80 each*

Late Registration Rates (postmarked on or after 10 days before the workshop)

- _____ Individual & MSPO Member \$85
- _____ Nonmember \$95*
- _____ Group of 5 or more
- _____ MSPO Members \$80 Nonmembers \$90 each*

☐ ***NON MSPO MEMBERS NOTE:** Check box if you wish to join MSPO for the balance of the membership year (til June 30) at no extra charge.

WORKSHOP LOCATION (Check one)

- _____ Pontiac, Oakland Center (Oakland U) - Feb. 25
- _____ Kalamazoo, Fetzer Center (WMU) - Feb. 27
- _____ Alpena, Holiday Inn - Mar. 4
- _____ Ludington, Ramada Inn - Mar. 10
- _____ Frankenmuth, Bavarian Inn - Mar. 24

Payment must accompany registration. Make checks payable to Michigan Society of Planning Officials for total fees. (One check may be submitted to pay for several registrants, but each registrant should have a separate registration form.)

Confirmation and directions will be sent to each registrant/group whose form and payment are received at least 10 days before the workshop date.

MSPO reserves the right to cancel any program for which inadequate registrations are received and to limit registration on a first-come basis if any facility reaches capacity.

No refunds will be made for cancellations less than one week before the program.

RETURN TO:

Planning/Zoning Commissioners Workshop
Michigan Society of Planning Officials
P.O. Box 18187, Lansing, MI 48901

FOR FURTHER INFORMATION or to register by phone, call (517/886-0555) or (Fax # 517/886-0564).

☐ Check box if you preregistered by phone.

Master -

Wens. March 18, 1992

Karen Fisher Dworek
7105 Dexter-Ann Arbor Rd.
Dexter, MI 48130

Susan Betz, Chair of Planning Comm.
3592 Cushing Court
Dexter, MI 48130

RE: Mary Anne Lamkin, Zoning Administrator

Dear Sue,

I have some concerns about Mary Anne that I'd like to bring to your attention. As you know, I had a planned absence from the March 16th planning comm. meeting. On Tues., 3-17, I visited Mary Anne at the Village office for a number of reasons: I still do not have a copy of the plan. comm. by-laws; I wanted to know how the 3-16 meeting went, and I wanted to discuss with Mary Anne something a citizen said to me about the rezoning of 2801 Baker Rd., and the school's properties.

I learned Mary Anne had not attended the 3-16 meeting either, but she apparently had been "filled in" about the meeting by citizen Bill Steptoe, and she was obviously upset that Paul Bishop had given a map of the rezoning request area (Baker Rd. & the schools & surrounding area) to Jon Rush. In an "emotional" manner, Mary Anne proceeded to tell me what she thought of Paul Bishop; she used a number of expletives in a raised voice, and insisted Mr. Bishop's intention was to deliberately "sabotage" her professionalism. I reminded her that I had attended the Council meeting where Jon Rush had asked Mary Anne to include a map of the area in the notices for public hearing, and that Mr. Bishop had told me he had recieved a notice, but the map was not included. I reminded Mary Anne that I distinctly remembered she had told Mr. Rush she would include a map. She then told me she didn't have to, and that was why she didn't include the map.

She also told me during my visist that she would no longer attend planning commission meetings because of her feelings about Mr. Bishop. I tried to point out to her that I felt she and Mr. Bishop seemed to have a personality conflict and suggested again (I encouraged her in February to work out her differences with Mr. Bishop) that she and Mr. Bishop needed to resolve their differences and that she should not hold the whole body of planning comm. responsible for her conflict with Bishop. Again, in a very loud voice that I found offensive and tried to get her to lower, she told me she refuses to speak to him, and again called him derogatory names. She also let me know that she was "ashamed" of me personally because she believed I allow myself to be manipulated by Mr. Bishop, and she believes six other people on planning also lets Bishop manipulate them.

I was also offended by some comments she made about Jon Rush and Paul Cousins and allusions she made about Mr. Rush that in my opinion should never have come from the mouth of #1) a "professional" and #2) a paid village employee who'se job it is to work WITH planning and Council.

I also think it is important to note that I told her why I was there; to take care of business, and that I did not want to nor did I care to be involved in her problem with Bishop, and that I wouldn't take up any more of her time and let her get back to work. She told me she had "nothing to do" that day and she was "just here". All in all, I felt only one way communication occured and no matter what I tried to say in a helpful way, it was scoffed and I was "put down" as not having the "caliber" she had thought I had!

To tell you the truth Sue, I felt like a wrung out wash cloth by the time I left the office! I am concerned that this kind of behavior on the part of Mary Anne continues. I also feel she undermines the planning commission as evidenced by comments made to me at a public meeting by a citizen regarding the rezoning request on Baker Rd. and from comments made to me by Bill Steptoe in private conversations with Mr. Steptoe. While I feel Mary Anne is knowledgeable and quite skilled in zoning matters, I am very concerned about her communication and inter-personal skills. Tues., 3-17 was the third time I visited her at the village office on business matters related to planning in which she ended up yelling at me and complaining about members of the planning commission. Whenever I asked her to lower her voice and not yell at me, she insisted she was not yelling, she was just frustrated, yet she declines to accept any of the techniques I have suggested to her to use to work out her problems with Bishop.

I also need to add that she told me whenever site plan review committees meet, it is a violation of Open Meetings Act. Could we get an opinion on that from legal counsel?

Well, I thank you for your time to read this lengthy letter, but in view of the situation, I felt it necessary to record the nature of my visit with Mary Anne because of my concerns about her manner of speaking and her use of language. I find offensive particularly loud enough to be heard by other people present in the village office...even with the door to Mary Anne's office closed!

Sincerely,

Karen Fisher Dworek

INVOICE

Invoice No. **Z 0060**

VILLAGE OF DEXTER

8140 Main Street
DEXTER, MICHIGAN 48130

Firm: Paul J. Sisk

Project: Conservation Heritage En.

Date: 1/15/92

SITE PLAN REVIEW

Preliminary:

Application Fee: \$ _____

Final or Combined:

Application Fee: \$ _____

Costs: (Res.) \$ _____ x _____ units + _____ x _____ acres

(Other) \$ 100 x 100 sq. ft. (min. \$ 100)

II. ENGINEERING REVIEW

Underground

Deposit: \$ _____

Fee: _____ x \$ _____ - \$ _____
(underground cost)

Grading

Fee: \$ _____ + \$ 150 / acre x 1 acres

III. INSPECTION FEES

Deposit: _____ x \$ _____
(underground cost)

Fee: Actual inspection costs \$ _____
plus 7% administrative fee
minus deposit.

IV. ZONING COMPLIANCE PERMIT \$ _____

V. OTHER

TOTAL:

with approval 12/29/92

PAID	DUE	TOTAL
	100.00	
	15.00	

REC. BY: _____ DATE: _____ REC. NO. _____

6/11/92

Cousins Heritage Inn

- still have not rec'd
amended Site Plan

- still outstanding bill
for:

1. inspection fees
\$400.00

- use of phase II & I
of project are being
used, w/o having all
of the site work
completed.

→ phase II was to include
new parking / driveway.

fencing and landscaping
for \$30 for phase II
was issued.

Cousins Heritage Inn

Fine dining in an historic setting
313/426-3020

12/10/92

To Zoning Official -
Mary Ann Langkin

This letter is a follow up to our conversation about the light to the rear of the new parking area. Because of the delay as discussed in acquiring a light similar to the one we have in the present lot we are requesting a delay in installation until Spring 1993 when a comparable light can be purchased.

We will certainly followed the agreed upon wattage and shielding as discussed.

Sincerely

Paul H. Cousins



Firm: Paul Cousins

Date: 12/10/92

Project: Cousins Heritage Inn

PAID	DUE	TOTAL
100 ⁰⁰	100 ⁰⁰	
15 ⁰⁰	15 ⁰⁰	

I. SITE PLAN REVIEW

Preliminary:
Application Fee: \$ _____

Final or Combined:
Application Fee: \$ _____

Costs: (Res.) \$ _____ x _____ units + _____ x _____⁰⁰ acres
(Other) \$ _____ x _____ sq. ft. (min. \$ 100)

II. ENGINEERING REVIEW

Underground

Deposit: \$ _____

Fee: _____ x \$ _____ - \$ _____
(underground cost)

Grading

Fee \$ _____ + \$ 15⁰⁰ / acre x 1 acres

III. INSPECTION FEES

Deposit: _____ x \$ _____
(underground cost)

Fee: Actual inspection costs \$ _____
plus 7% administrative fee
minus deposit.

IV. ZONING COMPLIANCE PERMIT \$ _____

V. OTHER

TOTAL

REC. BY: Paul Cousins DATE 12/10/92 REC. NO. # 6636

DOUBLEDAY BROS & CO., KALAMAZOO, MI 49002 #76477-B

DATE WRT 27, 1991 REC. NO. 6122

DATE: OCTOBER 15, 1992
MEMO: COUSINS HERITAGE INN
TO: MICHAEL J. McCUE, VILLAGE MANAGER
FROM: MARY ANN LAMKIN, ZONING ADMINISTRATOR/PLANNER
RE: STATUS OF REQUIRED LIGHTING FOR FINAL SITE
PLAN APPROVAL

Upon review of the file of 7954 Ann Arbor Street (Cousins Heritage Inn Addition Project), it was immediately clear that two important informational documents were missing from the file. Both documents were introduced into the record for the purpose of clarifying the intentions of the Village Planning Commission and the Village Council, by and through staff recommendation.

The document dated November 7, 1992 was an accounting of the resolutions made regarding all the final site plan contingencies placed by the Council made by the planning commission and professional staff recommendations.

Again, I must make it clear that there continues to be a problem with missing information from Village files. Fortunately all of my recommendations and memos are backed up on floppy disks, so there is a way to retrieve missing information. However, the ability to retrieve missing information is only as good as the ability to "know" that information is missing. I should not be expected to be able to recall the events and situations that might have required follow-up documentation and then be expected to constantly replenish Village files in order to continually ensure their (files) accuracy.

As a professional, I am very careful to make sure that all of my work is accurate, complete and "legally" obtainable (filed correctly). Because of the continual problem of unauthorized persons receiving unlimited access to the files, my professionalism is being interfered with. The completeness and obtainability of the official Village files are in constant question.

I would like this memo to reflect, for the record, another incident of tampering with the official records (files) of the Village.

April 7, 1992

MEMO: Cousins Heritage Inn
TO: Village Council
FROM: Mary Ann Lamkin - Zoning Administrator/Planner
REGARDING: Amendment to Final Approved Site Plan

A request to amend an approved final site plan for the Cousins Heritage Inn has been received and reviewed to determine if said request is indeed a minor change to the approved final site plan.

The request involves a change that was originally part of the preliminary site plan (the phasing of the project), but was later deleted in the final site plan process. The reason that a deviation was considered and subsequently recognized came as a result of the construction schedule of the applicant and the improved change in direction of the financial position of the project.

However, the applicant has experienced an unforeseen problem that now requires and indeed necessitates, the inclusion of the originally deleted "phasing" of the project.

It would be my recommendation that this request constitutes a minor change to the approved final site plan, and would therefore, allow the Village Council to apply Section 9.06 - Amendment of Approved Site Plan.

The motion to approve the amendment to the applicants approved final site plan should stipulate that the requested changes be so noted on a "new" and "sealed" site plan duplicated from the site plan that was approved by the Village Council on October 30, 1992.



Fine dining in an historic setting
313/426-3020

3/26/92

To Dexter Village Council:

I would like to amend the final site plan to include phases.

Phase I - The Kitchen Addition.

Phase II The Restaurant Seating Addition.

The approved site plan was Oct 31, 1991.

Thank you in advance for your response.

Sincerely

Paul H. Cousins



Village of Dexter
APPLICATION
SITE PLAN REVIEW

For Office Use Only

Case # C15-91-03A
Date Rec'd 4/4/91
By _____

Application is being made for :

- (☒) Preliminary Site Plan Review
() Final Site Plan Review
() Combined Preliminary and Final Review
() Waiver of Site Plan Review

Property Address 7954 Ann Arbor Street

Legal Description See Attached Certificates of Survey

Property Owner Paul Cousins 7648 Forest Dexter, MI 48130 426-3020
Name Address City, State, Zip Phone

Applicant Same
Name Address City, State, Zip Phone

Representative N.A.
(e.g. Engineer) Name Address City, State, Zip Phone

Proposed Use Full Service Restaurant Existing Use Same

* * * * *

Building and Parking Information

a. Total site area 16,850sq. ft.
b. Number of buildings 1
c. Building coverage 3,505sq. ft.
d. Building coverage (c-a) 21 %
e. Building height 21 ft.
f. Total floor area 5,153sq. ft.
g. Floor area ratio (f-a) 30
h. Total paved area 6,800sq. ft.
i. Total impervious coverage 61 %
(c+h)
a

j. Number of parking stalls 14
k. % of stalls compact size 0 %

Residential Uses Only

l. Number of units
for multi-family: efficiencies
1 bedrooms
2 bedrooms

m. Density (a-l) _____ sq.ft./unit

n. Total floor area on any incidental office or commercial space _____ sq. ft.

SEE REVERSE SIDE FOR INFORMATION ABOUT FILING DEADLINES AND PLANS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION.

Paul Cousins 3/18/91
Owner's Signature Date

*Applicant's Signature Date

*If the owner does not sign, the applicant must submit an "Owner's Authorization Affidavit".

SITE PLAN REVIEW APPLICATION

All applications must be presented to the Planning Commission for a recommendation prior to being forwarded to the Village Council for final consideration. Commission meetings are held on the third Monday of each month. Completed applications must be filed with in the Village office by 5 p.m., Monday, three weeks prior to the meeting. Applications received after that time will be placed on the following Commission agenda. Incomplete applications cannot be processed.

Applicants should use the checklists provided by the Village when preparing site plans. These lists are based on zoning ordinance requirements; and are a comprehensive guide to preparing a complete submittal.

(For office use only)

Deposit Paid 300.⁰⁰ (~~\$200~~) Receipt # 5833 Date 4/4/91

Planning Commission hearing scheduled for 4-22-91

Final Commission Recommendation:

Approval ✓ Denial _____ Date 4-29-91

Village Council hearing scheduled for 4-29-91

Final Council Action:

Approval ✓ Denial _____ Date 4-29-91

Preliminary Site Plan approval expires 180 days after the Council approval date unless application for Final Site Plan Review has been filed. A zoning compliance certificate may be issued after final site plan approval and payment of the fee.

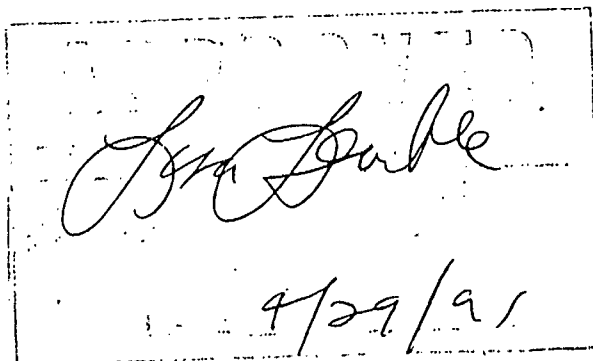
ZONING COMPLIANCE CERTIFICATE

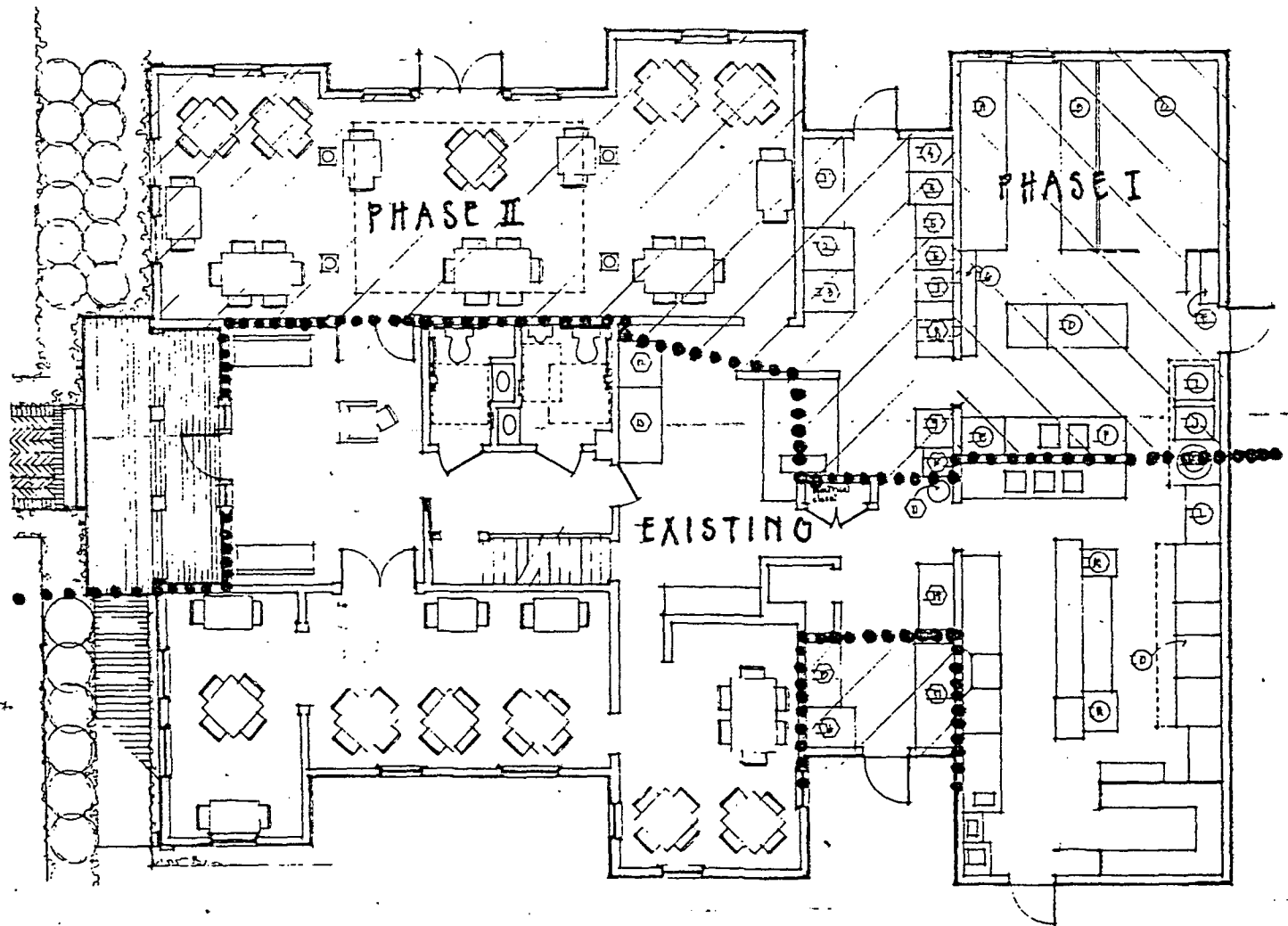
Issuance of this permit of zoning compliance is authorized by the Village Council approval of the final site plan.

APPROVAL STAMP

\$25.00 Fee Paid N/A

Receipt # _____





LEGEND

- 1. 2.0. TABLE - NUMBERS
- 2. 3.0. TABLE
- 3. 4.0. WALK-IN - 8'-12'
- 4. 5.0. WOOD WORK TABLE - MARBLE TOP
- 5. 6.0. UNDER COUNTER DISHWASHER
- 6. 7.0. COMPARTMENT SINK
- 7. 8.0. TRAY RACKS
- 8. 9.0. TRAY RACKS
- 9. 10.0. CONVECTION OVEN
- 10. 11.0. WATER
- 11. 12.0. STEAM KETTLE
- 12. 13.0. 3.0. TABLE - 4'
- 13. 14.0. TINT. COOLER
- 14. 15.0. TINT. COOLER
- 15. 16.0. BURNER STOVE - OVEN
- 16. 17.0. 6' STAINLESS STEEL TABLE
- 17. 18.0. FREEZER
- 18. 19.0. COOLER
- 19. 20.0. 2 DOOR COOLER
- 20. 21.0. 3.0. TABLE
- 21. 22.0. 3.0. TABLE - RUN WATER UNDER
- 22. 23.0. TINT. COOLER - SALAD STICK
- 23. 24.0. 6 COMPARTMENT WARMER
- 24. 25.0. 3.0. TABLE
- 25. 26.0. GLASS RACK HOLDER
- 26. 27.0. HAND SINK
- 27. 28.0. WINE COOLER
- 28. 29.0. UNDER COUNTER FRIG COOLER
- 29. 30.0. TICE MACHINE
- 30. 31.0. DESK
- 31. 32.0. CLOTHES CLOSET
- 32. 33.0. CATERING CLOSET

FEBRUARY 12, 1990

DUBUQUE HERITAGE INN
DEXTER, MINNESOTA

FLOOR PLAN

QUINN EVANS / ARCHITECTS
719 S GALE



MEMO

Date.: 5-14-92

To : M.A. Lamkin; Zoning Officer/Planner

From : T. Desmet; Interim Manager

Re : Written warning as per Village Personnel Rules Page 9.

At the Planning Commission meeting of April 20, 1992 Planning Commission member Paul Bishop made a motion to schedule a public hearing on the rezoning of a 0.38 acre parcel on Baker Rd. Karen Fisher-Dworek seconded the motion and it was voted on. All Planning Commissioners present at this meeting voted in the affirmative to set this hearing for May 18, 1992.

Let the record state that you attended the Planning Commission meeting of 4-20-92 at my directive and ignored Commission action on this matter.

You not only failed to Public Notice this hearing but you placed a notice in the local paper noting a hearing date of 5-13-92.

Several Planning Commissioners called my office and asked that I correct your public notice to conform with their action of 4-20-92.

This was done May 4th 1992.

Tuesday, May 5th, you entered my office and demanded that I call the Dexter Leader and retract this notice. You called Sue Betz, the Planning Commission chair, whom you had ignored in placing your notice of a hearing, and demanded that she assemble a quorum on the 13th. This was insubordinate.

You called Councilman Cousins on May 13th and asked him to call Planning Commission members presumably to assemble a quorum. This was a direct attempt to subvert the action of the Planning Commission and the Manager's Office and was insubordinate.

On May 7th you requested President Liddiard deal with you in a closed session of the Council on May 11th. President Liddiard directed you to follow normal administrative channels and direct your request to me. I asked for an outline of your concerns, in writing, in our phone conversation of May 11th (a.m.). You refused to provide this information.

You proceeded to show up at the Council meeting of May 11th and at 7:55 p.m. passed out a memo to me and each council member. Your memo was dated May 6th which pre-dates your request to President Liddiard. You did not produce it for me before the meeting even though I'd asked that you outline your concerns in writing. This apparent attempt to subvert and embarrass both President Liddiard and myself indicate your contempt for established administrative

channels.

Any further instances of insubordination in following the Manager's directives, any further attempts to subvert actions taken by the Village Office or to bypass established administrative channels will result in your dismissal.

M E M O R A N D U M

TO: Mary Ann Lankin, Zoning Administrator
FROM: Michael J. McCue, Village Manager *MM*
RE: Conduct at October 5, 1992 Planning Commission Meeting
DATE: October 16, 1992

The conduct you exhibited at the October 5, 1992 Planning Commission meeting was very unprofessional. You were asked questions by the Planning Commission and, for the most part, failed to answer them. In a very offensive tone, you told the Commissioners that since they were not trained they would not understand your answer.

This is totally unacceptable behavior. It is your job as Zoning Administrator to answer the Planning Commissions questions in a polite, reasonable and timely manner. If you cannot or will not do this, you are in the wrong job.

You may regard this as a formal reprimand. If there is any repetition of this or similar behavior, further disciplinary action will be taken, up to and including your termination. Hopefully, this warning will impress upon you the seriousness of your misconduct such that further action will not be required.

If you have any questions, feel free to come in to see me about them.

ENVIRONMENTAL SERVICES BUREAU

2355 WEST STADIUM BOULEVARD
P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645



ENVIRONMENTAL HEALTH DIVISION
(313) 994-2492

BUILDING INSPECTION DIVISION
(313) 994-2441

April 23, 1992

Ms. Mary Ann Lamkin
Zoning Administrator/Planner
8140 Main Street
Dexter, Michigan 48130

Dr. Ms. Lamkin:

This letter is in response to your letter of March 25, 1992 requesting that the Washtenaw County Building Dept. do a walkthru at 7954 Ann Arbor St. to see if this addition was being used by Mr. Cousins in violation of your approved final site plan.

On March 26, 1992 I met with Mr. Cousins at this site to check on any possible zoning or building violations, and after doing my walkthru I have found no zoning or building violations

If you have any questions or need details of my inspection please call me at 994-6269.

Sincerely,

Thomas J. Miller

Thomas J. Miller
Building Official
Washtenaw County Mich.

March 25, 1992

MEMO: Cousin's Heritage Inn Inspection
FROM: Zoning Administrator/Planner
TO: File 7954 Ann Arbor Street
RE: Complaint of violation of final site plan

On the above date a call was received and recorded that a possible violation to a final site plan approved for the Cousin's Heritage Inn had occurred.

I made a phone call to the owner; Paul Cousins, to request an inspection to determine whether there had been a violation to the conditions to the approved site plan for the Cousin's Heritage Inn.

An inspection was made and this memo will serve as the official documentation of the results of the inspection.

There appeared to be continuing construction involving one portion of the approved addition.

Completion to the one section of the addition appeared to be almost ready for a final inspection by the Washtenaw County Building Inspector.

There did not appear to be "actual" use of the area, but would soon be complete enough to be in full service.

A call was made to the Washtenaw County Building Inspector to determine if zoning administrator's review was accurate.

On or about 12:00 P.M. March 26, 1992, the Washtenaw County Building Inspector met with the owner; Paul Cousins, to conduct an inspection as a result of the complaint.

A follow-up report is expected from the Washtenaw County Building Inspector to confirm or reject the zoning administrator's review of the matter.



Since 1962

FRANK GROHS CHEVROLET/GEO INC.

Dexter Ann Arbor Rd.
P.O. Box 202
Dexter, MI 48130
Phone (313) 426-4677
FAX (313) 426-5540

11 JANUARY 1993

DEXTER VILLAGE COUNCIL
DEXTER, MICHIGAN
ATTN: Michael J. Mc Cue, Manager
and Council members.

Dear Mr. McCue and Council Members,

Regarding the disposal of fill dirt and building debris hauled onto our property by the De Wolfe Company for Mr. Paul Cousins.

In an effort to clear up any confusion regarding the circumstances surrounding the origins of the dumping the following events took place:

- 1) The De Wolfe company approached Frank Grohs Chevrolet last summer and asked Mr. Jeff Grohs if they could dispose of some fill dirt created by the tear down project and driveway construction for the Heritage Inn expansion.
- 2) The first several loads were clean fill dirt. The last 2-3 loads were of building debris. Since the building debris was dumped on a weekend, Mr. Jeff Grohs stopped the DeWolfe Company on Monday and told them that the building debris was not agreed to in the original discussions. They had arrived early that morning and had buried a portion of the cement debris at that point. Upon our request they discontinued the project. Mr. Jeff Grohs told De Wolfe that this type of debris may need to be hauled away and that they should discuss the problem with Mr. Paul Cousins.
- 3) Mr. Michael Mc Cue came to review the sight. Mr. Grohs told Mr. Mc Cue that if the Village approved of the proper burial of the cement debris that we would permit it to be covered up as long as the Village and the E.P.A. gave the OK.
- 4) A representative of the E.P.A. came to inspect the sight and stated that if the rods of steel that protruded from the concrete were cut off that the concrete could be safely buried. There were no building debris present that posed any danger to the sight. We agreed that if the Village and the EPA jointly permitted the burial that we would not require the debris to be removed from the sight.
- 5) In the fall we received a visit from Mr. Cousins. He introduced himself and asked if he could see the sight. We showed it to him and explained the discussions with the EPA and the Village Manager. We told him we would be willing to work with him as well as the EPA and the Village in the debris problem.
- 6) As of this date we have not received a formal written decision from the above parties as to the final closure requirements of the site. We will be in contact with Mr. Cousins and Mr. De Wolfe when arrangements and decisions are final.

Sincerely,


JEFFREY M. GROHS
DEALER OPERATOR

Memo

January 11, 1993

To: Michael McCue, Village Manager

From: Patrick McKillen, Superintendent of Public Works

Re: Concrete curb removal

In May of 1992 the Village made an agreement with DeWolfe Excavators to remove concrete curbing and reconstruction of a manhole. All materials removed and disposal was the responsibility of the contractor.



DEPARTMENT OF ENVIRONMENTAL SERVICES

4101 Washtenaw Avenue, P.O. Box 8645, Ann Arbor, MI 48107-8645

BUILDING INSPECTION DIVISION (313) 971-1441 ENVIRONMENTAL HEALTH DIVISION (313) 971-4542
FAX (313) 971-6947

1.11.93

Micheal McCue
Village of Dexter
8140 Main Street
Dexter MI 48130

RE: Groh's Chevrolet

Dear Mr. McCue,

As per your request, this letter is to confirm that the dumping behind Frank Groh's Chevrolet, located on Dexter - Ann Arbor Rd., was within the confines of the Soil Erosion and Sediment Control Act.

Twice during the dumping time period I made site inspections and measurements to confirm that the site was within limits. I was also in contact with Jeff Groh's and a representative of Phoenix Contactors regarding dumping limits. I informed Jeff that since he was in fact the property owner, he would be required to secure the proper permit to continue dumping if he exceeded the legal one (1) acre of disturbed land.

Both site inspections involved measurements of the disturbed area, the first measured to approximately 37,000 sf, with the second approximately 38,900 sf. With one (1) acre totalling 43,560 sf, the dumping area was within the confines of the legal amount of disturbed acreage.

In addition, I informed Jeff Groh's that some of the materials found were, what is considered "illegal" fill materials, i.e., metals, plastic, glass, and marginal building materials. These indeed had to be removed. A followup inspection showed that the area had been cleaned and raked.

If you have any other questions or concerns, do not hesitate to call at 971-2270.

Sincerely,

Brian Smart
Soil Erosion Control Officer



Since 1962

FRANK GROHS CHEVROLET/GEO INC.

Dexter Ann Arbor Rd.

P.O. Box 202

Dexter, MI 48130

Phone (313) 426-4677

FAX (313) 426-5540

11 JANUARY 1993

DEXTER VILLAGE COUNCIL
DEXTER, MICHIGAN
ATTN: Michael J. Mc Cue, Manager
and Council members.

Dear Mr. McCue and Council Members,

Regarding the disposal of fill dirt and building debris hauled onto our property by the De Wolfe Company for Mr. Paul Cousins.

In an effort to clear up any confusion regarding the circumstances surrounding the origins of the dumping the following events took place:

- 1) The De Wolfe company approached Frank Grohs Chevrolet last summer and asked Mr. Jeff Grohs if they could dispose of some fill dirt created by the tear down project and driveway construction for the Heritage Inn expansion.
- 2) The first several loads were clean fill dirt. The last 2-3 loads were of building debris. Since the building debris was dumped on a weekend, Mr. Jeff Grohs stopped the DeWolfe Company on Monday and told them that the building debris was not agreed to in the original discussions. They had arrived early that morning and had buried a portion of the cement debris at that point. Upon our request they discontinued the project. Mr. Jeff Grohs told De Wolfe that this type of debris may need to be hauled away and that they should discuss the problem with Mr. Paul Cousins.
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If you have any other questions or concerns, do not hesitate to call at 971-2270.

Sincerely,

Brian Smart
Soil Erosion Control Officer

DEXTER VILLAGE COUNCIL
JANUARY 19, 1993
SPECIAL MEETING

The meeting was called to order by President Arbour at 8:00 P.M.
at First of America Bank building, 8123 Main Street.

Present: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Absent: Adams
Also present: Village Manager McCue

(Trustee Adams entered the meeting at 8:10 P.M.)

Approval of Agenda

Moved Cousins, support Gregory to approve the agenda as
presented.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Communications

Council received written resignation from Village Manager
Michael McCue effective February 19, 1993.

New Business

1. Acceptance of Resignation of Village Manager

Moved Gordenier, support Pearson to accept the resignation
of Village Manager Michael McCue effective February 19,
1993.

Ayes: Pearson, Rush, Gordenier, Gregory, Arbour

Nays: Cousins

Motion Carried

2. Discussion on Hiring New Village Manager

Discussion centered on the following points -

Process used to search for Manager McCue

Strength of Village Manager's Ordinance

(Trustee Adams entered the meeting at this point)

A copy of the Manager's Ordinance from St. Charles
Michigan

Possibility of changing the current Manager's Ordinance

Timing of such amendment as relating to Manager's
search and subsequent hiring

Moved Gregory, support Gordenier to instruct the Village
Manager to provide language to modify the Village Manager's
Ordinance for the next meeting.

Ayes: Pearson, Rush, Gordenier, Gregory, Cousins, Adams,
Arbour

Nays: None

Motion Carried

Further discussion centered on -
Definition of type of candidate the Village wishes to
recruit
Salary
Experience
Use of MML services

Village President Arbour will formulate an advertisement for
Council's approval.

Moved Rush, support Gregory to contact the Michigan
Municipal League for the purpose of indentifying qualified
candidates for the position of Village Manager.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Further discussion centered on -
Possible candidates for interim manager
Transition fro manager to manager
Budget workshop with dept. heads committees and commissions

Manager McCue stated he planned to prepare a transition document
to aid the Village.

Non-Arranged Citizen Participation

D. Cynar, 3615 Cushing Ct., addressed Council stating his
opinion and objection that Mr. McCue "got caught" in the act of
wrong doing and that his resignation as opposed to his firing
allows him to seek other employment.

P. Cousins, 7648 Forest, addressed Council stating his opinion
that the Council must accept the fact that the Village is in the
midst of a political season and that members must accept that fact
rather than having members distraught with each other and that the
meeting chair can limit debate as provided under Council rules.

J. Luton, 7855 Forest addressed council stating she had
listened carefully to Council's discussion during the meeting and
based on Council's expression of satisfaction with Manager McCue,
his job performance and accuracy of his resume, it seems Council
needs to look at the Village Manager's Ordinance. She further
stated that as Parks Commission Chair, she has seen him attend
every meeting and that she has enjoyed working with him.

Adjournment

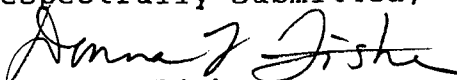
Moved Gordenier, support Gregory to adjourn the meeting at
9:18 P.M.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Respectfully submitted,


Donna L. Fisher
Village Clerk

Filing Approved 1-25-93 DF.

M E M O R A N D U M

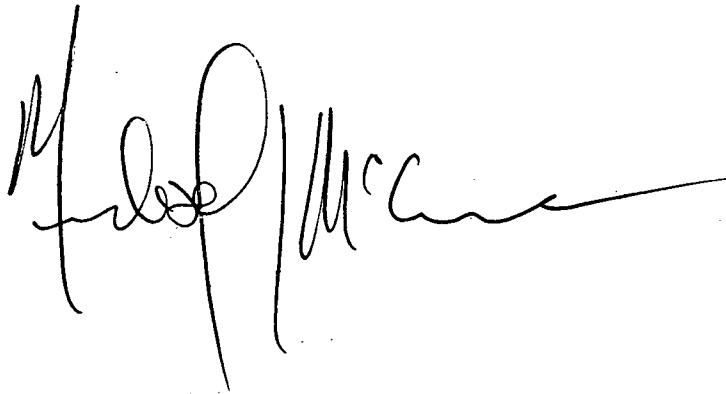
TO: Village Council and Village President

FROM: Michael J. McCue, Village Manager *MJM*

RE: Resignation

DATE: January 14, 1993

This is to inform you that I am resigning the position of Village Manager effective February 19, 1993. In accordance with my contract with the Village of Dexter, I have provided 30 days notice.

A large, stylized handwritten signature in black ink, appearing to read "Michael J. McCue". The signature is written in a cursive style with a long horizontal stroke at the end.

ORDINANCE NO. 78-3VILLAGE MANAGER
VILLAGE OF ST. CHARLES, MICHIGAN
effective October 9, 1978

An Ordinance establishing the office of Village Manager; providing for the appointment, compensation and discharge of such official; specifying the branches of the Village Government and activities under his management and control and defining and limiting his rights, powers, and liabilities.

THE VILLAGE OF ST. CHARLES ORDAINS:

Sec. I. In accordance with the authority for the appointment of such village officers as the Council shall deem necessary for the execution of the powers granted to the Village contained in Section 2 of Chapter II of Act 3 of 1895, as amended, which is the charter of this village there is hereby created the position of Village Manager.

Sec. II. The President shall, within ninety days after a vacancy exists in the position, appoint, by and with the consent of the Council, a Village Manager to serve for an indefinite period. He may be removed by the President at any time the President for cause shown deems it for the public interest, but only after a full hearing before the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to race, religious or political preferences. He need not be a resident of the village at the time of his appointment, but shall become a resident within six (6) months after his appointment and shall continue to reside in the village thereafter during his term of office.

Sec. III. The Village Manager shall receive such compensation as the Council shall negotiate annually.

Sec. IV. The President and Council may appoint or designate an Acting Manager during the period of a vacancy in the Office of Manager or during the absence of the Manager from the Village.

St Charles


Sec. V. The Village Manager shall be responsible to the President and Council for the proper administration of all affairs of the water, public works, street, general, sewer, and police departments of the village and to that end he shall have power, and shall be required to:

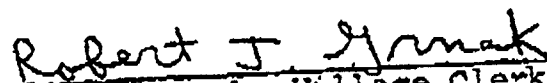
- A. Act in behalf of, and carry out the instructions of, and be the authorized representative of the Village Council;
- B. Be solely responsible to the President and Council for directing all the departments of the village under his jurisdiction including health and safety, and the personnel therein, within the limits set by law;
- C. Attend all meetings of the Village Council with the right to take part in discussions but without the right to vote;
- D. Be a member ex-officio of all committees of the Village Council;
- E. Recommend to the Council for adoption of such measures as he may deem necessary or expedient for improvement or betterment of the village;
- F. Prepare an annual budget, submit it to the Council, recommend its adoption, and be responsible for the administration thereof; provided however, the raising of money shall in all cases be with the consent and approval of the Council;
- G. Be responsible for the purchase and sale of all village property excepting real estate, provided that in all purchases or sales in excess of fifteen hundred (\$1,500.00) dollars, the purchase or sale shall in all cases be with the consent and approval of the Council;
- H. Exercise and perform all administrative functions that are not imposed by charter or ordinance upon some other official;
- I. Present to the Council periodic reports and special reports when requested by the Council covering the activities of the Village administration for which he is responsible;
- J. Recommend to the Council the salaries to be paid each appointive officer and employee of the Village under his jurisdiction;
- K. Perform such other duties as may be required of him from time to time by the Council, consistent with the charter of the village, or with statute, or ordinances.

Sec. VI. Neither the Council nor the Village President, nor any of the members of committees of the Council shall dictate to the Manager as to the appointment of any person to office or to the employment of any person by the Village Manager, or in any way interfere with the Manager to prevent him from exercising his judgement therein or in the direction of the departments under his jurisdiction. Except for the purpose of inquiry, the President and the Council and its members shall deal with the departments under the jurisdiction of the Manager through the Manager.

Sec. VII. If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided that such remaining portions or applications are not determined by said court to be inoperable, and to this end this ordinance is declared to be severable.

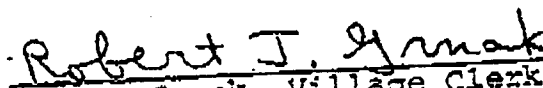
Sec. VIII. This ordinance shall take issued effect on date of passage October 9, 1978.


Dudley Kirby, Village President


Robert Grnak, Village Clerk

I, ROBERT GRNAK, Village Clerk of the Village of St. Charles, Saginaw County, Michigan, hereby certify that the foregoing is a true and correct copy of the Ordinance made and passed by the Village Council of St. Charles on the 9th day of October, 1978.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 10th day of October, 1978.


Robert Grnak, Village Clerk

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
January 25, 1993
8 P.M.

CALL TO ORDER:

ROLL CALL: President: Philip Arbour Council:

J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
M. McCue

Village Manager:

PUBLIC HEARING:

1. Sidewalk Ordinance
2. Parking Violations Ordinance
3. Parking Bureau Ordinance

APPROVAL OF THE MINUTES:

1. January 11, 1992 Regular Village Council Meeting

PRE-ARRANGED CITIZEN PARTICIPATION:

1. Mr. Max Ziegler -- Property Adjacent to Smith Woods Park

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

1. Letter from Prof. Gerald Crane
2. Michigan Municipal League Awards Competition
3. Letter of Resignation from Planning Commission from Mr. Rick Fisher
4. Letter from Mr. Ned Palmer Regarding Firefighters Christmas Decoration Fund
5. Letter from Gov. George W. Romney Regarding Volunteerism
6. Letter from Mrs. Frances Hoey Regarding Sewer Line
7. Letter from Mr. Jeff Grohs Regarding Sewer and Water Service

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

Sheriff
Village Manager

CONSENT AGENDA:

1. Receive and File December 7, 1992 Planning Commission Minutes

OLD BUSINESS:

1. ENACTMENT of Sidewalk Ordinance
2. ENACTMENT of Parking Violations Ordinance
3. ENACTMENT of Parking Bureau Ordinance
4. Discussion of Day Care Ordinance
5. Set Executive Session to Discuss Personnel Matters and Union Negotiations
6. *Committee to Investigate Allegations*
7. *2000 Adm/Planner Issue*

NEW BUSINESS:

1. Discussion on Village Manager Search
2. INTRODUCTION of Amendment to Village Manager Ordinance
3. Appointment to the Dexter District Library Board
4. Approval of Merit Pay for non-union Employees
5. Approval of Amendment to Site Plan for Dexter Rental
6. Approval of Amendment to Site Plan for Cottonwood Condominiums
7. Preliminary and Final Site Plan Approval for Dexter's Pub
8. Set Public Hearing to Hear Comments Regarding Expansion of the Downtown Development Authority Boundary

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEMS WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

DEXTER VILLAGE COUNCIL
REGULAR MEETING
JANUARY 25, 1993

The meeting was called to order by President Arbour at 8:07 P.M. at First of America Bank Building, 8123 Main Street.

Present: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Absent: Adams

Also Present: Village Manager McCue

(Trustee Adams entered the meeting at 9:04 P.M.)

Public Hearings

1. Sidewalk Ordinance

The hearing was opened by President Arbour at 8:09 P.M.

The following citizens addressed Council:

K. Fisher-Dworek, 7015 Dexter-Ann Arbor, stated she disagreed with the ordinance as proposed.

L. Henes, 7820 Third, spoke of costs of installation of sidewalk and against the passage of the ordinance.

J. Bradley, 3105 Kensington, spoke against the passage of the proposed ordinance and appealed to the integrity of the Council not to vote on the issue that evening.

P. Puddock, 7560 Forest, expressed concern regarding sidewalk installation/tree damage and her opposition to passage of the ordinance.

P. Towinski, 7540 Forest, spoke against passage of the ordinance.

T. Klever, 3580 Hudson, stated his belief that there is not an adequate sidewalk system in the Village to allow walking safely, that the Village should install an adequate system to get children to and from school safely, and that the Village should bear the financial burden of installing said system.

B. Sartin, 7551 Forest, asked for clarification of points written in the ordinance and stated he is not in favor of passage of the proposed ordinance.

There were no other citizens who wished to speak and the hearing was closed by President Arbour at 8:22 P.M.

2. Parking Violations Ordinance

The hearing was opened at 8:23 P.M. by President Arbour.

The following citizens addressed Council:

P. Bishop, 7531 Forest, addressed Council requesting clarification of the proposed ordinance as it relates to the State of Michigan Uniform Traffic Code, and angle parking.

D. Lambert, 4101 Carpenter Road, Ypsilanti, expressed concern regarding two-hour parking limitations and spaces near the Senior Citizen Center and occupation of spaces by senior on activity/dinner days.

There were no other citizens who wished to speak. The hearing was closed by President Arbour at 8:26 P.M.

3. Parking Bureau Ordinance

The hearing was opened at 8:26 P.M. by President Arbour.

The following citizens addressed Council:

B. Sartin, 7551 Forest, posed a question regarding the need for a parking violations bureau in the Village and stated that some of the fines seemed somewhat exorbitant.

T. Klever, 3580 Hudson, posed a question as to who would be enforcing the ordinance and expressed his opinion that extra time would be involved in enforcement with the removal of the Village parking meters.

D. Cynar, 3615 Cushing Court, stated he did not see the need for a parking violations bureau as he has never heard of a parking problem in the Village and expressing his opinion that Big Brother is trying to move in to get more of his tax money.

There were no other citizens who wished to speak. The hearing was closed by President Arbour at 8:30 P.M.

Approval of Minutes

Added under Non-Arranged Citizen Participation at the end of the meeting was: P. Bishop, 7531 Forest, stated he "supported an investigation and" believed. . .

Moved Gregory, support Gordenier to approve the minutes of the January 11, 1993 regular meeting as amended.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Gordenier, support Pearson to approve the minutes of the January 19, 1993, special meeting as presented.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Pre-Arranged Citizen Participation

1. Max Ziegler-Property Adjacent to Smith Woods Park

Mr. Ziegler Made presentation of his request for relocation of easement through Smith Woods.

Approval of Agenda

Added to the agenda -

New Business 1. Right-Of-Way Through Smith Woods

Other New Business items were re-numbered.

Old Business 6. Committee to Investigate Allegations

Old Business 7. Zoning Administrator/Planner Issue

Moved Cousins, support Gregory to approve the agenda as amended.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Non-Arranged Citizen Participation

The following citizens addressed Council -

L. Leadholm, 7930 Third stated that everything she wrote in her letter to the Village Manager regarding her experience with the zoning administrator was true and that in her opinion the vote by

Council to retain Ms. Lamkin as an employee was wrong.

A. Van Hoosear, 3276 Central, expressed his opinion that Council members Rush, Cousins and Arbour should be ashamed of the responses they made to the allegations made by M. Lamkin and that he knows she has good friends in Hamburg.

W. Steptoe, 7250 Dan Hoey Road, expressed his opinion that it is time for dissention to cease and work to begin.

D. Cynar, 3615 Cushing Ct., informed Council of a sewer back-up at his property at 7880 Second Street and requested Council consider reimbursement to him for resulting property damage.

K. Fisher-Dworek, 7105 Dexter-Ann Arbor, spoke expressing her belief that any letter, of the type written by Ms. Lamkin to Mr. Waggoner dated December 16, 1992, to any citizen by any employee should be grounds for dismissal, posing question to Council members regarding their contact with Village Manager McCue to better inform themselves regarding his recommendation to terminate Ms. Lamkin's employment, reading from the Village of Dexter Code of Ethics sections 3 and 6 and stating that she believes it is Council's responsibility to further investigate allegations surrounding this issue.

T. Klever, 3580 Hudson, addressed Council requesting Council further investigate issues surrounding the development of the Cottonwood Condominium project, ie. sidewalks, dirt and rubbish piles, semi-trailer parked on site as it relates to previous or new developer and stating his opinion regarding the proposed Day Care ordinance and stipulations regarding number of feet between day care businesses in residential areas.

P. Bishop, 7531 Forest, stated that he categorically denied the specific allegations voiced against him by M. Lamkin at the January 4, 1993, special meeting, that he believed it difficult for he and other members of the planning commission who had allegations made against them to take recommendation from the Zoning Administrator as long as the allegations remain, and that he believed Council should provide for further investigation via a committee of Council, the State Police, the Attorney General's office or some other agency.

Donna Fisher, 3035 Inverness, addressed Council, stating that the several allegations made at the January 4, 1993, and January 11, 1993, Council meetings regarding her performance of her duties as clerk were unfair and not true, and requested that any evidence to the contrary be brought forth to allow her to address the charges, that if there is no documentation, that such allegations be retracted, and stating that she believes that as elected officials we cannot allow innuendo to circulate in our community and that we have an obligation to deliver facts to our residents.

(Trustee Adams entered the meeting at this point - 9:04 P.M.)

Communications

Council received -

1. Letter from Prof. G. Crane regarding EMU student planning project.

Moved Rush, support Gregory to suspend Council rules to for the purpose of considering project approval.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Moved Rush, support Gregory that the Village Council approve the Case a study prepared by Professor Cranes's class in urban planning and development for the Village of Dexter.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

2. MML Awards Competition

3. Letter of resignation form Planning Commission from Mr. Rick Fisher (copy filed with minutes)

4. Letter from N. Palmer regarding Christmas Decoration Fund

5. Letter from Gov. Romney regarding Volunteerism

6. Letter from F. Hoey regarding sewer line

7. Letter from J. Grohs regarding water and sewer service

Approval of Bills and Payroll

Moved Gregory, support Rush to approve bills and payroll costs in the amount of \$105,698.35.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Reports

Sheriff - Council received written report. Copy on file.

Village Manager - Council received written report. Copy filed with minutes.

Moved Gordenier, support Gregory to set a budget workshop for February 3, 1993, 8:00 P.M., at First of America Bank Building, 8123 Main Street.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Consent Agenda

Moved Gordenier, support Gregory to approve the consent agenda, Item 1. Receive and file December 7, 1992, Planning Commission minutes.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Old Business

1. Enactment of Sidewalk Ordinance

Moved Cousins, support Adams to postpone consideration of enactment of the proposed sidewalk ordinance, with the document referred back to the Village Manager for revision.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

2. Enactment of Parking Violations Ordinance

Moved Cousins, support Gordenier to postpone enactment of parking violations ordinance and to refer the document back to the Village Manager for consideration of non-curbed areas.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

3. Enactment of Parking Bureau Ordinance

Moved Cousin, support Gordenier to postpone the enactment of the Parking Violations Bureau Ordinance and to refer the document to the Village Manger for revision.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Council took a five minute break in the meeting at this point - 10:33 P.M.

The meeting resumed at this point - 10:39 P.M.

4. Discussion of Day Care Ordinance

No action taken.

Moved Gordenier, support Gregory to suspend Council rules to to allow change in order of business.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Moved Rush, support Gregory to amend the agenda to take up items New Business 1, 7, and 8 at this point in the meeting.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

New Business

1. Right-of-Way Through Smith Woods Park

Moved Cousin, support Gregory to refer the request to the Parks Commission for review and recommendation.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

7. Approval of Amendment to Site Plan for Cottonwood

Condominiums

Applicant, P. Merkle, 252 Shoreview, Chelsea, was present to answer question from Council.

Moved Gordenier, support Adams to table the subject and to ask for written recommendation from the Planning Commission and Zoning Inspector.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

8. Preliminary and Final Site Plan Approval for Dexter's Pub

Moved Gordenier, support Gregory to approve the Combined preliminary and final site plan for addition to rear of an existing structure for Dexter's Pub, 8114 Main Street, G. Garlacz and H. Garlacz applicants, with the cost for movement of the shut off valve absorbed by the applicants.

Trustee Cousins left the table to avoid any issues regarding possible conflict of interest.

Ayes: Adams, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Abstain: Cousins

Motion Carried

Trustee Cousins returned to the table.

Old Business

4. Discussion of Day Care Ordinance

Moved Adams, support Pearson to set a public hearing for February 22, 1993, 8:00 P.M., at First of America Bank Building for the purpose of taking public comment on the proposed zoning ordinance amendments regarding Day Care regulations.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

5. Set Executive Session

Moved Gordenier, support Gregory to set an executive session to follow the non-arranged citizen participation portion of the meeting for the purpose of discussion of personnel matters, conclusion of the Village Manager's evaluation and union negotiations.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

6. Committee to Investigate Allegations

Discussion centered on the fact that many allegations were made against private citizens, the Village Manager and elected officials and investigation process and costs.

Moved Rush, support Gregory that the Village Manager shall contact the County prosecutor for the purpose of obtaining information and recommendation as to how the Dexter Village Council could proceed with the investigation of all allegations made by Mary Ann Lamkin on January 4, 1993.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

7. Zoning Administrator/Planner Issue

Discussion centered on the action of the Council vote of January 11, 1993, to re-instate Zoning Administrator/Planner M. Lamkin.

Moved Gregory, support Rush to reconsider the vote on the Village Manger's recommendation regarding employment of the Village Zoning Administrator, M. Lamkin.

Ayes: Gregory, Arbour, Cousins, Rush

Nays: Pearson, Adams, Gordenier

Motion Carried

Moved Rush, support Gregory to affirm the suspension of M. Lamkin by the Village Manager and to terminate her employment with the Village of Dexter effective January 26, 1993, for the reasons described in the Village Manger's recommendation.

Ayes: Arbour, Cousins, Gregory, Rush

Nays: Gordenier, Pearson, Adams

Motion Carried

Trustee Adams left the meeting at this point - 1:00 A.M.

Moved Rush, support Gregory to Direct the Village Manager to draft advertisement for the replacement of the Zoning Administrator/Planner for Council consideration and to approach McKenna and Associates to discuss zoning enforcement options they might supply.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

New Business

2. Discussion on Village Manager Search

President Arbour appointed the following to the Village Manager Search Sub-Committee -

Gregory, Chair, Cousins, Arbour

3. Introduction of Amendment to Village Manager's Ordinance

Moved Cousins, support Pearson to set a public hearing for February 22, 1993, 8:00 P.M., First of America Bank Building for the purpose of taking public comment on proposed amendment of the Village Manager's Ordinance.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

4. Appointment to Dexter District Library Board

Moved Cousins, support Gregory to approve the Dexter District Library Board request to re-appoint Mary Rush as Village representative for a four-year term.

Trustee Rush left the table at this point to avoid any possible issues regarding conflict of interest.

Ayes: Cousins, Gordenier, Gregory, Pearson, Arbour

Nays: None

Abstain: Rush

Motion Carried

Trustee Rush returned to the table .

5. Approval of Merit Pay for Non-Union Employees

Moved Rush, support Cousins to accept the Village Manager's recommendations for merit pay and salary adjustments, (Copy filed with minutes)

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

6. Approval of Amendment to Site Plan for Dexter Rental

Moved Gordenier, support Cousins to table the issue.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

9. Set Public Hearing

Moved Rush, support Gregory to adopt the Resolution Calling Hearing Regarding Approval of District Boundary Amendments For the Downtown Development Authority of the Village of Dexter. (Copy filed with minutes)

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

President's Report

Moved Rush, support Gregory to accept the President's recommendation to appoint Mike Poulin to the DDA Board.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Pearson, support Gordenier to accept the President's recommendation to appoint W. Steptoe to fill the unexpired Planning Commission term of R. Fisher.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Non-Arranged Citizen Participation

D. Lambert, 4101 Carpenter Road, Ypsilanti, requested the re-reading of the motion made before the motion made by Council regarding McKenna and Associates.

J. Rush, 7930 Fifth Street, stated that he was glad the newspaper representatives seated at the press table had stayed the length of such a long meeting and stated that he appreciated what they do.

Council took a five minute break at this point - 1:42 A.M.

Council moved into executive session at 1:45 A.M.

Council moved into regular session at 2:07 A.M.

Moved Gregory, support Rush to accept the review of Village Manager M. McCue for placement in his personnel file.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Adjournment

Moved Gordenier, support Gregory to adjourn the meeting at 2:10 P.M.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Respectfully submitted,



Donna L. Fisher
Village Clerk

Filing Approved 2-8-93

MEMORANDUM

To Village President Philip Arbour and Members of the Village Council

From Donna Fisher, Village Clerk *DF*

Date January 25, 1993

Subject Allegations Made at January 4, 1993, Special Meeting, and January 11, 1993 Regular Meeting

At the January 4, 1993, special meeting and the January 11, 1993, regular meeting of the Village Council, several allegations were made regarding my performance of my duties as Village Clerk.

These allegations are unfair and are not true.

I respectfully request that any evidence to the contrary be brought forth to allow me to address the charges. If there is no such documentation, then I respectfully request such allegations be retracted.

I have honestly and faithfully served the citizens of our Village as their Clerk for ten years. I can not allow this kind of innuendo to circulate in the community. I believe, that as elected officials we have an obligation to deliver facts to our residents.

January 12, 1993

Philip J. Arbour, President
Village of Dexter
8140 Main Street
Dexter, Michigan 48130

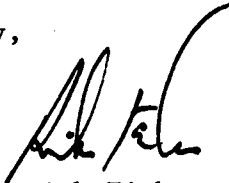
Dear Mr. Arbour:

I am writing to you to inform you that I have resigned my position as a member of the Dexter Village Planning Commission effective January 12, 1993.

This action has been contemplated for some time and has been precipitated by the Village Council's decision to retain the current Zoning Inspector/Planner.

I want to thank you, Village Manager Michael McCue, and each member of the Dexter Village Planning Commission for past assistance and support.

Sincerely,



Rick Fisher

cc: Michael McCue, Village Manager
James Gillett, Planning Commission Chair

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS
JANUARY 25, 1993

BILLS DUE (PAGE 1)	\$ 48,373.35
PAYROLL COSTS (PAGE 2 & 3)	22,781.09
HAND CHECKS (PAGE 3)	34,482.20
PETTY CASH (PAGE 4)	<u>61.71</u>
TOTAL BILLS AND PAYROLL COSTS EXPENDED ALL FUNDS	\$ 105,698.35

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: JANUARY 25, 1993

PAGE 1

PAYEE-EXPLANATION	CODE	TOTAL	101 GENERAL	202 MAJOR ST	203 LOCAL ST.	590 SEWER	591 WATER
AL NALLI/COUNCIL SOUND	172-977	1,272.00	1,272.00				
ARBOR SPRING WA CO	172-956	19.00	19.00				
AT&T CREDIT CORP	VARIOUS	100.18	59.09			41.09	
BAXTER SCIENTIFIC	VARIOUS	1,200.79				1,200.79	
BUSINESS RESOURCES, INC	172-727	103.80	103.80				
CADILLAC ELECTRIC	548-937	197.32				197.32	
CASE POWER & EQUIPMENT	441-939	556.64	556.64				
DETROIT EDISON							
MUNICIPAL ST LIGHTING	448-920	2,985.62	2,985.62				
DEXTER MILL	VARIOUS	57.85	55.35			2.50	
DOUBLEDAY BROS	191-727	80.17	80.17				
GORDON SAVERY BLDG. CONT.	301-935	540.00	540.00				
HACH	548-743	40.50	40.50				
KOCH & WHITE HTG	265-935	1,535.74	1,535.74				
LONG, CLARK & BAKER	101-803	154.00	154.00				
MCKENNA ASSOCIATES	400-825	1,399.90	1,399.90				
MARATHON OIL CO.	VARIOUS	604.46	604.46				
MI BELL - 426-8303	172-853	161.66	161.66				
" "	VARIOUS	283.86				189.24	94.62
MUNICIPAL CODE CORP.	215-900	32.58	32.58				
O'GRADY, DONNA	265-970	395.84	395.84				
POSTMASTER/PERMIT FEE	172-727	75.00	75.00				
PACKAGE EXPRESS CENTER	556-727	21.52					21.52
RAM COMMUNICATIONS 2 MOS.	441-853	37.00	37.00				
STACEY, ED/SAND	474-740	100.00			100.00		
TELEDIAL AMERICA	172-853	180.47	180.47				
W.C.S.D.-11&12 CONTRACTS	301-802	33,634.42	33,634.42				
" 10&11 MILEAGE	301-802010	2,603.03	2,603.03				
TOTALS		48,373.35	46,526.27		100.00	1,630.94	116.14

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: JANUARY 25, 1993

PAGE 2

<u>PAYEE-EXPLANATION</u>	<u>TOTAL</u>
<u>PAYROLL COSTS - JANUARY 9, 1993</u>	
FERN JACKSON	636.75
JANET C. KARVEL	757.11
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	
KURT J. AUGUSTINE	548.80
KEITH L. KITCHEN	490.47
PATRICK A. MCKILLEN	638.32
BRUCE T. WHITLEY	584.67
THOMAS C. DESMET	954.23
ANDREA M. DORNEY	603.16
EDWARD A. LOBDELL	736.72
DANIEL L. SCHLAFF	594.95
LARRY C. SEBRING	609.66
TOTAL	<u>\$ 8,877.54</u>

<u>MERIT PAY - JANUARY 9, 1993</u>	
DANIEL L. SCHLAFF	542.94
KURT J. AUGUSTINE	451.20
KEITH L. KITCHEN	512.13
BRUCE T. WHITLEY	155.87
ANDREA M. DORNEY	504.23
EDWARD A. LOBDELL	632.64
LARRY C. SEBRING	592.15
TOTAL	<u>\$3,390.96</u>

COUNCIL PROCEEDINGSPAYROLL COSTS CONTINUEDPAYROLL COSTS - JANUARY 16, 1993

FERN JACKSON	602.71
JANET C. KARVEL	761.55
MICHAEL J. MCCUE	971.14
LARRY N. WAGNER	751.56
MARY ANN LAMKIN	793.72
KURT J. AUGUSTINE	669.90
KEITH L. KITCHEN	429.15
PATRICK A. MCKILLEN	797.89
BRUCE T. WHITLEY	426.01
THOMAS C. DESMET	954.24
ANDREA M. DORNEY	603.16
EDWARD A. LOBDELL	736.71
DANIEL L. SCHLAFF	594.96
LARRY C. SEBRING	677.40
DONNA L. FISHER	491.66
RITA A. FISCHER	250.83
TOTAL	10,512.59

TOTAL PAYROLL COSTS & MERIT PAY - \$22,781.09

HAND CHECKS ISSUED:

<u>PAYEE-EXPLANATION</u>	<u>CODE</u>	<u>AMOUNT</u>
GENERAL WHITE G.M.C., INC	101-441.000-977	\$34,482.20

DEXTER VILLAGE COUNCIL

PETTY CASH

JANUARY 25, 1993

ADMINISTRATION

TAPE COPIES/COUNCIL/MCCUE	101-102-956	\$ 39.96
MISC. OFFICE SUPPLIES	101-172-956	\$ 9.75

WATER DEPARTMENT

KEROSENE FOR HEATER/THAW		
HYDRANTS	591-556-751	<u>\$ 12.00</u>

TOTAL EXPENDED ALL FUNDS		\$ 61.71
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M E M O R A N D U M

TO: Village President and Village Council
FROM: Michael J. McCue, Village Manager
RE: Manager's Report
DATE: January 22, 1993

Transition Document

As noted earlier, I am preparing a transition document for my successor. This will help for a smooth transition between managers. I will include items that have just begun, are in the middle of completion and ones that are near completion. The document will also give follow-up names for applicable items.

Detroit Edison Industrial Park Brochure

Detroit Edison is continuing their work on the brochure for the industrial park. Hundreds of photographs have been taken of the Village. Several designs are being developed all at different cost levels. When these designs are completed, the Village should determine how much to spend and what type of brochure best represents the Village. I would recommend pursuing funding from the LDFA and possible donations from a printer or other community groups.

Industrial Park Activity

Interest in the Business and Research Park has been picking up. I have had several very serious inquiries regarding sites at the park. I have had one very large company interested in several lots in the park and two smaller companies interested in lots. The smaller companies are also interested in what types of financial incentives the village is willing to offer. At this time, the Village has the revolving loan fund and tax abatements to offer. Both of these seemed to be of interest to the companies.

Downtown Business Lead

I am trying to attract a very unique professional business to the downtown area of Dexter. They have indicated that they need a 10,000 square foot building with high ceilings. In addition, they want this building to be near a retail area for the convenience of their employees. Because the business is so unique, I am trying to assess what zoning classification they would fall under. Currently, none of our districts directly address this type of business. Fortunately, it would be a minimal draw on our water and wastewater systems. However, parking for their 50 employees could be a problem.

Parks Ordinance

I am working with the Parks Commission to develop an ordinance to provide rules for the use of the parks. This will give the Sheriff's Department greater authority to enforce a variety of

problems. When the Parks Commission has completed their approval process, they will forward it to the Council for your approval.

Tree Ordinance

The Parks Commission is developing a Tree Ordinance in an effort to fulfill a requirement for Tree City USA designation. Again, when they complete their approval process, they will forward it to Council for your approval.

Prof. Gerald Crane's U-M Class

As you will recall, Prof. Gerald Crane has a class at the University of Michigan which studies urban design. As per council's approval several months ago, I have begun work with Dr. Crane on this project. In correspondence this week, Dr. Crane's letter and course outline is included for your information.

Burton Hoey Easement Agreement

As you will recall, I have been working for several months with Mr. Burton Hoey regarding an easement agreement for a property owned by his mother. I have made two offers for the property. Mr. Hoey has accepted neither but has not offered any counterproposal. Mr. Hoey has adamantly refused to negotiate in good faith with me. Because of the shape and location of the easement, the property is nearly worthless. Because it is so narrow, it cannot be built upon. In addition, the existence of a sewer easement across a property neither increases nor decreases the value of the property. Should council desire, I can begin condemnation procedures immediately.

Parting Thought

Please see attached.

The Children's Hour

HENRY WADSWORTH LONGFELLOW

(Born February 27, 1807; died March 24, 1882)

he dark and the daylight,
he light is beginning to lower,
ause in the day's occupations
known as the Children's Hour.

he nber above me
ter ttle feet,
l of a door that is opened,
ces soft and sweet.

study I see in the lamplight,
ing the broad hall stair,
e and laughing Allegra,
th with golden hair.

and then a silence;
ow by their merry eyes,
lotting and planning together
me by surprise.

ush from the stairway,
a raid from the hall!
ors left unguarded
er my castle wall!

up into my turret,
arms and back of my chair;
scape, they surround me;
m to be everywhere.

t devour me with kisses,
ns about me entwine,
of the Bishop of Bingen
ouse-Tower on the Rhine.

Do you think, O blue-eyed banditti,
Because you have scaled the wall,
Such an old mustache as I am
Is not a match for you all?

I have you fast in my fortress,
And will not let you depart,
But put you down into the dungeon
In the round-tower of my heart.

And there will I keep you forever,
Yes, forever and a day,
Till the wall shall crumble to ruin,
And moulder in dust away.



Bettmann

Invictus

WILLIAM ERNEST HENLEY

(Born August 23, 1849; died July 11, 1903)

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud.
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the horror of the shade,
And yet the menace of the years
Finds, and shall find me, unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

VILLAGE OF DEXTER

Philip J. Arbour, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8303
FAX (313) 426-5614

Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

REPORT TO THE VILLAGE COUNCIL FROM THE VILLAGE MANAGER January 11, 1993

SUBJECT: Approval of Merit Pay for Non-Union Employees

AGENDA LOCATION: New Business #4

BACKGROUND: After the completion of year-end performance appraisals for the non-union employees under the manager's direct supervision merit pay and salary adjustments are in order. They are as follows:

<u>Position:</u>	Superintendent of Public Works
<u>1992 Salary:</u>	\$28,413
<u>Recommended Increase:</u>	\$ 767
<u>Proposed Salary:</u>	\$29,180

<u>Position:</u>	Superintendent of Public Utilities
<u>1992 Salary:</u>	\$33,010
<u>Recommended Increase:</u>	\$ 891
<u>Proposed Salary:</u>	\$33,901

<u>Position:</u>	Zoning Administrator/Planner
<u>1992 Hourly Wage:</u>	\$12.39
<u>Recommended Increase:</u>	\$.33
<u>Proposed Hourly Wage:</u>	\$12.72

In addition to salary adjustments, merit pay is also due for council's review at this meeting. It is as follows:

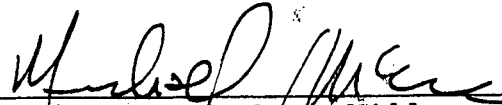
<u>EMPLOYEE</u>	<u>% of Base Salary/Wage</u>	<u>Merit Pay</u>
Desmet	2.25	\$742.73
McKillen	1.25	\$355.00
Lamkin	0.0	\$ 0.00

SUMMARY OF PREVIOUS COUNCIL ACTION: None.

FINANCIAL IMPACT: \$1,097.73 from various payroll accounts.

STAFF RECOMMENDATION: In view of the above, it is recommended that the Village approve the merit pay bonuses as presented.

ATTACHMENTS: None.


Michael J. McCue, Village Manager

Village of Dexter
County of Washtenaw, Michigan

RESOLUTION CALLING HEARING REGARDING
APPROVAL OF DISTRICT BOUNDARY AMENDMENTS FOR THE
DOWNTOWN DEVELOPMENT AUTHORITY OF THE VILLAGE OF DEXTER

Minutes of a regular meeting of the Village Council of the Village of Dexter, County of Washtenaw, Michigan, held in the Council Chambers of said Village on the 25th day of January, 1993, at 8:00 p.m., Prevailing Eastern Time.

PRESENT: Members Abour, Cousins, Gordenier, Gregory
Pearson, Rush

ABSENT: Members Adams

The following preamble and resolution were offered by Council Member Rush and supported by Council Member Gregory:

WHEREAS, the Village of Dexter, County of Washtenaw, Michigan (the "Village") is authorized by the provisions of Act 197, Public Acts of Michigan, 1975, as amended ("Act 197"), to create a downtown development authority; and

WHEREAS, pursuant to Act 197, the Village Council of the Village duly established the Downtown Development Authority of the Village of Dexter (the "Authority") which exercises its powers within the Downtown District designated by the Village Council (the "District"); and

WHEREAS, in accordance with the provisions of Act 197, the Authority has designated the district boundaries for the Authority; and

WHEREAS, the Authority has advised the Village that the Authority desires to revise the boundaries of the District; and

WHEREAS, the Village pursuant to Act 197 has the power to alter or amend the boundaries of the District; and

WHEREAS, prior to approval of the amended District boundaries, it is necessary to conduct a public hearing in connection with the consideration of such proposed District boundary amendments as required by Act 197.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Village Council hereby acknowledges receipt of the proposed District boundary amendments from the Authority.

2. There shall be a public hearing on ~~Monday~~ ^{Tuesday} the ~~8th~~ ^{9th} day of March, 1993, at 8:00 p.m., Prevailing Eastern Time, in the Council Chambers of the Village to consider adoption by the Village Council of the proposed District boundary amendments.

3. The Village Clerk shall cause notice of said public hearing to be published in the "Dexter Leader", a newspaper of general circulation in the Village, twice before the public hearing. Each such notice shall be published not less than 20 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size. The Clerk also shall cause the notice to be mailed by first class mail not less than 20 days prior to the hearing to all property taxpayers of record in the Authority's District and to all property taxpayers of record in the area to be added to the District, all as shown by the most recent tax roll of the Village. The Clerk also shall post, or

cause the posting of, the notice in at least 20 conspicuous and public places in the proposed District not less than 20 days before the hearing.

4. The notice of the hearing shall be in substantially the following form:

VILLAGE OF DEXTER
COUNTY OF WASHTENAW, MICHIGAN

PUBLIC HEARING
ON THE APPROVAL OF DISTRICT BOUNDARY AMENDMENTS
TO THE DOWNTOWN DEVELOPMENT AUTHORITY
OF THE VILLAGE OF DEXTER

TO ALL INTERESTED PERSONS IN THE VILLAGE OF DEXTER:

PLEASE TAKE NOTICE that the Village Council of the Village of Dexter, Michigan, will hold a public hearing on Tuesday, the 9th day of March, 1993, at 8 p.m. Prevailing Eastern Time in the Council Chambers located at 8123 Main Street, Dexter, Michigan, to consider the approval of amendments to the district boundaries of the Downtown Development Authority of the Village of Dexter pursuant to Act 197 of the Public Acts of Michigan of 1975, as amended.

The proposed district boundaries as amended shall be as shown on the map below. Copies of the amendments and maps are on file at the office of the Village Clerk for inspection during regular business hours.

[INSERT MAP HERE]

At the public hearing, all citizens, taxpayers and property owners of the Village desiring to address the Village Council shall be afforded an opportunity to be heard in regard to the approval of the district boundary amendments for the Downtown Development Authority of the Village of Dexter.

FURTHER INFORMATION may be obtained from the Village Clerk.

This notice is given by order of the Village Council of the Village of Dexter, Michigan.

PERSONS REQUIRING REASONABLE ACCOMMODATION TO DISABILITIES IN ORDER THAT THE MEETING BE ACCESSIBLE TO THEM ARE REQUESTED TO NOTIFY THE VILLAGE CLERK OF SUCH DISABILITY NO LATER THAN FIVE (5) BUSINESS DAYS PRIOR TO THE DATE OF THE MEETING.


Village Clerk

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members Atbour, Cousins, Gordenier, Gregory
Pearson, Rush

NAYS: Members None

RESOLUTION DECLARED ADOPTED.

Anna J. Fisher
Village Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council of the Village of Dexter, County of Washtenaw, State of Michigan, at a regular meeting held on January 25, 1993, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Village Clerk

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DEXTER VILLAGE COUNCIL
FEBRUARY 3, 1993
BUDGET WORKSHOP

The workshop convened under the leadership of President Arbour at 8:05 P.M., at First of America Bank Building, 8123 Main Street.

Present: Pearson, Adams, Arbour, Gordenier, Cousins, Rush
Absent: Gregory

Trustee Gregory entered the session at 8:34 P.M.

Also present: Village Manager McCue
DPW Supervisor McKillen
Public Utilities Supervisor Desmet
Planning Commissioner R. Tell

Discussion centered on FY 93-94 Budget items.

The session adjourned at 11:20 P.M.

Respectfully submitted,

P. Cousins, Trustee

Filing approved DT

DEXTER VILLAGE COUNCIL
FEBRUARY 8, 1993
BUDGET WORKSHOP

The session convened at 6:32 P.M. under the leadership of President
Arbour at First of America Bank Building, 8123 Main.

Present: Gregory, Gordenier, Cousins, Arbour
Absent: Pearson, Rush, Adams

Pearson entered the session at 6:37 P.M.
Rush entered the session at 7:30 P.M.

Also present: Village Manager McCue

Manager McCue made presentation of the proposed FY 93-94 Budget.

The session closed at 7:55 P.M.

Respectfully submitted,

Paul Cousins, Trustee

Filing approved D.F.

V I L L A G E C O U N C I L A G E N D A

VILLAGE OF DEXTER
8140 MAIN STREET
REGULAR MEETING
February 8, 1993
8 P.M.

CALL TO ORDER:

ROLL CALL:

President: Philip Arbour Council:

J. Adams
P. Cousins
J. Gordenier
R. Gregory
N. Pearson
J. Rush
M. McCue

Village Manager:

PUBLIC HEARING:

None

APPROVAL OF THE MINUTES:

1. January 25, 1993 Regular Village Council Minutes

PRE-ARRANGED CITIZEN PARTICIPATION:

None

APPROVAL OF AGENDA:

NON-ARRANGED CITIZEN PARTICIPATION:

COMMUNICATIONS:

1. Letter from Mr. Timothy Klever

APPROVAL OF BILLS AND PAYROLL:

REPORTS:

~~Sheriff~~

Village Manager

CONSENT AGENDA:

1. Dexter Area Historical Society Banner Request

OLD BUSINESS:

1. Approval of Right-of-Way through Smith Woods Park
2. Approval of Amended Site Plan for Cottonwood Condos
3. Approval of Amended Site Plan for Dexter Rental
4. Discussion of Village Manager Search
5. Appointment of Interim Manager
6. Discussion of Zoning Administrator/Planner Position
7. Set Public Hearing for Parking Violations Ordinance
8. Set Public Hearing for Parking Violations Bureau Ordinance
9. Set Public Hearing for Sidewalks Ordinance

NEW BUSINESS:

1. Report from Facilities Study Committee
2. *update of Dykema Gossett billing to date.*

PRESIDENT'S REPORT:

NON-ARRANGED CITIZEN PARTICIPATION:

ADJOURNMENT:

* PRE-ARRANGED CITIZEN PARTICIPATION WILL BE LIMITED TO THOSE WHO NOTIFY THE VILLAGE MANAGER'S OFFICE BEFORE 5:00 P.M. THE THURSDAY PRECEDING THE MEETING STATING THEIR NAME AND INTENT.

** NON-ARRANGED CITIZEN PARTICIPATION WILL INCLUDE THOSE NOT LISTED ON THE PRINTED AGENDA WHO WISH TO SPEAK. THE VILLAGE PRESIDENT, AT HIS DISCRETION, MAY CALL ON MEMBERS OF THE AUDIENCE TO SPEAK AT ANY TIME.

*** ALL ITEMS UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE VILLAGE COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS, UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEMS WILL BE REMOVED FROM THE CONSENT AGENDA AND ADDED TO THE REGULAR AGENDA AT THE END OF OLD OR NEW BUSINESS.

VILLAGE OF DEXTER
EMPLOYEE POSITION DESCRIPTION

POSITION TITLE: Zoning ^{Inspector} Administrator
REPORTS TO: Village Manager
SUPERVISES: /A
QUALIFICATIONS: 2-5 years experience in zoning/code enforcement/planning; high school degree or GED; knowledge of metes and bounds; ability to read blueprints; knowledge of local and state zoning laws and practices; basic understanding of building codes.

DUTIES AND RESPONSIBILITIES:

- Attends meetings as requested by the Village Manager.
- Enforces the Village Zoning Ordinance
- Enforces the Village Nuisance Ordinance
- Assigns street addresses
- Prepares special reports for the Village Manager, Village Council and the Planning Commission.
- Provides advice and assistance to the Village Manager and Planning Commission on zoning and planning matters.
- Prepares monthly activity reports
- Maintains the Village's street address file
- Inspects properties, construction and fixtures subject to zoning restrictions.
- Issues permits on various zoning-related matters.

The above statements are intended to describe the general nature and level of work being performed by an individual assigned to this classification. They are not to be construed as an exhaustive list of all job duties performed by personnel so classified.

Date position last reviewed: February 1993

2
DEXTER VILLAGE COUNCIL
REGULAR MEETING
FEBRUARY 8, 1993

The meeting was called to order at 8:06 P.M. by President Arbour at First of America Bank Building, 8123 Main Street.

Roll Call

Present: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Absent: Adams

Approval of Minutes

Moved Gregory, support Cousins to approve the minutes of the January 25, 1993, regular meeting as presented.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

Pre-Arranged Citizen Participation

None

Approval of Agenda

Moved Rush, support Gregory to approve the agenda as amended.

Moved Gordenier, support Gregory to add New Business item 2.

Update of Dykema, Gossett Billing To Date.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

Vote on original motion.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

Non-Arranged Citizen Participation

The following Citizens addressed Council:

Bruce Manny, 323 S. Parker Road, Ann Arbor, Mi

Maryann Lamkin, PO Box 386, Lakeland, Mi

David Cynar, 3615 Cushing Court, Dexter

Moved Rush, support Cousins, to recess for ten minutes. (8:32 P.M.)

Ayes: Cousins, Gregory, Pearson, Rush, Arbour
Nays: Gordenier
Motion Carried

The meeting resumed at 8:45 P.M.

Moved Cousins, support Gordenier to suspend the rules and allow Ms Lamkin to finish her statement.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

Tim Klever, 3580 Hudson, Dexter
David Cynar, 3615 Cushing Court
Steve Lamkin, 4855 Raleigh Shore Dr, Lakeland, Mi
Donna Fisher, 3035 Inverness, Dexter
Bruce Manny, 323, S. Parker Road, Ann Arbor

Communications

1. Letter From Mr. T. Klever
2. Memorandum from Village Election Commission
3. Letter J. Dworek

Approval of Bills and Payroll

Moved Gregory, support Gordenier to approve bills and payroll costs in the amount of \$78, 423.72.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Reports

Village Manger - Council received written report. Copy filed with minutes.

Consent Agenda

1. Dexter Area Historical Society Banner Request

Moved Gordenier, support gregory to approve Item 1. listed on the consent agenda.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Old Business

1. Right-of-Way Through Smith Woods Park

Moved Cousin, support Gregory to approve the 33 foot right-of-way as presented on the map along the South side of the property known as Smith Woods Park. Map filed with minutes.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

2. Approval of Amended Site Plan for Cottonwood Condos

Moved Gordenier, support Gregory the approval of the site plan for Cottonwood Condos as amended.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Moved Cousins, support Gregory that we accept the applicant's, (Mr. P. Merkel) willingness to pay \$3,164 for sidewalk to be constructed along the southeast side of Hudson Street exclusively, to the intersection of Hudson and Second streets, and to allow 90 days for the clean-up of the site with stringent enforcement following the 90 days.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None
Motion Carried

3. Approval of Amended Site Plan for Dexter Rental
Moved Pearson, support Gregory to approve the amendment to the site plan for Dexter Rental to extend the size of their building to a 32 foot by 40 foot dimension. Site Plan filed with minutes.
Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

4. Discussion of Village Manger Search
Moved Rush, support Gordenier to contract with the MML for the purpose of recruiting a Village Manager.
Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

5. Appointment of Interim Village Manger
The following citizens addressed Council -
N. Walker, 7901 Ann Arbor Street
P. Walker, 7901 Ann Arbor Street
D. Cynar, 3615 Cushing Court
M. Lamkin
D. Cynar 3615 Cushing Court
P. Bishop, 7531 Forest

Trustee Gordenier presented petition. Copy filed with minutes.

Moved Cousins, support Rush to table the subject until the next meeting.
Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

Moved Gordenier, support Gregory to set a special meeting for Monday, February 15, 1993, at 6:30 P.M., First of America Bank Building for the sole purpose of hiring an interim Village Manager.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

6. Discussion of Village Manager Search
Moved Rush, support Cousins to hire McKenna and Associates on a short term basis to preform services as interim Zoning Officer.
Ayes: Cousins, Arbour, Rush
Nays: Gordenier, Pearson, Gregory
Motion Failed

Moved Gregory, support Rush to direct the Village Manager to make recommendation for the hiring of a Zoning Inspector per the Village Manager's Employee Description for Zoning Inspector. Copy filed with minutes.

Ayes: Cousins, Arbour, Rush, Gregory
Nays: Gordenier, Pearson,
Motion Carried

Moved Cousins, support Gordenier to direct the Village Manager to seek long term planning options for the Village of Dexter to work with the Village Zoning Inspector.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

7. Set Public Hearing for Parking Violations Ordinance
Moved Gregory, support Rush to table the subject until the next meeting and further recommendation from the Village Manager.
Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

8. Set Public Hearing for Parking Violations Bureau Ordinance
Moved Cousins, support Pearson to table the subject until Council receives further recommendation from the Village Manager.
Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

9. Set Public Hearing for Sidewalk Ordinance
Moved Gordenier, support Gregory to set a public hearing for the purpose of taking public comment on the Proposed Village of Dexter Sidewalk Ordinance for March 9, 1993, 8:00 P.M. First of America Bank Building.
Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour
Nays: None
Motion Carried

New Business

1. Report from Facilities Study Committee
Gregory, Cousins, Gordenier and Planning Commissioner Gillett are committee members.
No action taken.
2. Update of Dykema Gossett Billing to Date
Information will be provided by the Village Manager.

President's Report

There are two vacancies on the LDFA Board and if Council has recommendation it should be submitted to Phil.

Non-Arranged Citizen Participation

The following Citizens addressed Council -
B. Manny, 323 S. Parker Road, Ann Arbor
D. Cynar, 3615 Cushing Court, Dexter
M. Lamkin
J. Rush, 7930 Fifth, Dexter

Adjournment

Moved Gordenier, support Cousins to adjourn the meeting at
12:12 A.M.

Ayes: Cousins, Gordenier, Gregory, Pearson, Rush, Arbour

Nays: None

Motion Carried

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donna L. Fisher", with a long horizontal flourish extending to the right.

Donna L. Fisher, Village Clerk

Filing approved _____

DEXTER VILLAGE COUNCIL
SUMMARY OF BILLS AND PAYROLL COSTS

FEBRUARY 8, 1993

BILLS DUE (PAGE 1 & 2)	\$58,228.29
HAND CHECKS (PAGE 2)	250.40
PAYROLL COSTS (PAGE 3)	<u>19,945.05</u>
TOTAL BILLS AND PAYROLL COSTS EXPENDED	
ALL FUNDS	\$ 78,423.74

VILLAGE OF DEXTER COUNCIL PROCEEDINGS

DATE: FEBRUARY 8, 1993

PAGE 1

PAYEE-EXPLANATION	CODE	TOTAL	GENERAL	MAJOR ST	LOCAL ST.	SEWER	WATER
ANN ARBOR, CITY OF	463-740	245.91		245.91			
ANN ARBOR IMPLEMENT	441-751	16.48	16.48				
ARBOUR, PHIL/REIMB EXP.	101-861	21.90	21.90				
AT&T CSC	VARIOUS	37.78	17.88			19.90	
BAXTER SCIENTIFIC	VARIOUS	620.21				620.21	
BUSINESS RESOURCES	172-727	224.85	224.85				
CARPENTER HARDWARE	441-740	5.16	5.16				
CHELSEA LUMBER CO.	265-935	4.37	4.37				
D&C PLUMBING/HEATING CO	556-937	113.03					113.03
DETROIT EDISON							
3620-3676CENT/WA TOW	556-920	2,376.84					2,376.84
8360 HURON-CW LIFT STA.	548-920	4,873.89				4,873.89	
8014;7982;8140;8050MAIN-VARIOUS		1,867.21	1,867.21				
DEXTER FAMILY PHYSICIANS	548-964	86.00				86.00	
DEXTER LEADER/SUBS.	215-815	15.00	15.00				
DEXTER LEADER/12/92	VARIOUS	261.00	242.60			18.40	
DEXTER OFFICE SUPPLY	VARIOUS	12.04	10.14			1.90	
DEXTER, VILLAGE OF	VARIOUS	61.10	52.14			8.96	
DOUBLE DAY BROS	191-727	157.09	157.09				
DYKEMA/GOSSETT-12/92	101-803	4,028.00	4,028.00				
FISHER-SCIENTIFIC	548-743	821.15				821.15	
GRAINGER, INC.	VARIOUS	62.62	55.82			6.80	
GRANT'S AUTO & TRUCK	556-937	475.99					475.99
HACKNEY ACE HARDWARE	VARIOUS	432.94	221.15			167.68	44.11
HEARTS & FLOWERS	172-956	31.00	31.00				
JONES CHEMICALS	548-742	260.00				260.00	
KOCH & WHITE HTG & CLG.	548-935	507.89				507.89	
LAVONNE'S CLEANING 1/93	265-935	175.00	175.00				
LEN'S RUBBISH/01/93CONT	528-816	10,678.67	10,678.67				
" " /RECYCLE	528-816020	1,513.36	1,513.36				
MCCUE/REIMB MILEAGE	172-861	62.50	62.50				
METROPOLITAN UNIFORM CO	301-977	3,810.00	3,810.00				
MI BELL-426-4572	VARIOUS	286.04				190.70	95.34
MICHcon/8140&8050 MAIN	VARIOUS	979.86	979.86				
" "/8360 HURON	548-920	739.38				739.38	
MORTON SALT	VARIOUS	2,545.13		1,272.56	1,272.57		
MOTOROLA	441-977	829.28	829.28				
O'GRADY/PRINCIPAL PAY	265-97001016	16,000.00	16,000.00				
ORCHARD HILTZ & MCCLIMENT	400-825.002	756.00	756.00				

PARTS PEDDLER	VARIOUS	456.70	456.70					
R.L. BEPPMANN CO.	548-937	457.52					457.52	
RECYCLE ANN ARBOR	528-816020	101.10	101.10					
S.E.M.C.O.G.	101-956	55.00	55.00					
THOMAS L. STRINGER	101-803010	533.00	533.00					
TOKAI FINANCIAL/LEASE	172-941	193.80	193.80					
UTILITIES INSTRUMENTATION	548-937	180.00					180.00	
VOGEL'S LOCK & KEY	101-956	66.50	66.50					
WILLIAMS SEWER SERVICES	548-826	190.00					190.00	
TOTALS		58,228.29	43,181.56	1,518.47	1,272.57	9,150.38	3,105.31	

HAND CHECKS ISSUED:

PAYEE-EXPLANATION	CODE	AMOUNT
U.S. POSTAL SERVICES/POSTAGE METER & BILLS	VARIOUS	200.00
THOMAS DESMET-REIMBURSE MILEAGE SEMINAR	591-556-861	50.40
	TOTAL	\$ 250.40

PAYEE-EXPLANATION	TOTAL	101 GENERAL	206 FIRE	202 MAJOR ST.	203 LOCAL ST.	590 SEWER	591 WATER
<u>PAYROLL COSTS - JANUARY 23, 1993</u>							
FERN JACKSON	632.70						
JANET C. KARVEL	581.07						
MICHAEL J. MCCUE	971.14						
LARRY N. WAGNER	751.56						
MARY ANN LAMKIN	486.07						
KURT J. AUGUSTINE	438.08						
KEITH L. KITCHEN	631.02						
PATRICK A. MCKILLEN	797.90						
BRUCE T. WHITLEY	407.75						
THOMAS C. DESMET	927.23						
ANDREA M. DORNEY	603.16						
EDWARD A. LOBDELL	736.72						
DANIEL L. SCHLAFF	594.96						
LARRY C. SEBRING	677.40						
TOTALS	\$9,263.76						
<u>MERIT PAY - 01/29/93</u>							
FERN JACKSON	295.61						
JANET C. KARVEL	311.97						
PATRICK A. MCKILLEN	355.00						
THOMAS C. DESMET	742.73						
TOTAL	\$1,705.31						
<u>PAYROLL COSTS - JANUARY 30, 1993</u>							
FERN JACKSON	746.00						
JANET C. KARVEL	646.67						
MICHAEL J. MCCUE	971.14						
LARRY N. WAGNER	544.88						
KURT J. AUGUSTINE	547.60						
KEITH L. KITCHEN	649.00						
PATRICK A. MCKILLEN	638.32						
BRUCE T. WHITLEY	546.60						
THOMAS C. DESMET	954.24						
ANDREA M. DORNEY	603.16						
EDWARD A. LOBDELL	736.72						
DANIEL L. SCHLAFF	629.46						
LARRY C. SEBRING	677.40						
TROY W. MOLONEY	84.79						
TOTAL	\$8,975.98						
				<u>TOTAL PAYROLL COSTS - \$19,945.05</u>			

RECEIVED JAN 29 1993 *amy*

Jan 24, 1993

To: Dexter Village Council, Village Manager

Please enter as part of the official record at the next meeting

My comments and concern center around Trustee Rush and his behavior toward several members of the audience at the Jan 11, 1993 meeting.

I found the behavior of Trustee Rush toward myself David Cynart, and William Steptoe unbecoming of an elected official.

This is what transpired as Mr. Cynart and myself got up to take a break and get some relief from the "abnormally" hot room. Mr. Rush directed everyones attention toward us, as those two individuals who were now leaving, and explained how we generally came and said our uncomplimentary remarks and left.

For the record

I avoid using names and pointing fingers, whenever possible. My comments that evening involved a letter written to the Editor by a former village manager (Palenick) regarding his statements calling a resident a liar.

My statement was that several of those who are now officials apparently did nothing about this similar 1991 letter but found grievous fault about a letter Lamkin had written to a resident. I questioned use of fair and impartial treatment.

If Trustee Rush did not notice, his packet contained a large source of material from myself requesting long awaited answers I have brought to your attention. If you go through the files you may want to read all the letters I have sent over the past several years. These letters deal with concerns I have as a citizens. Often times these letters include my suggestions regarding ideas that might improve the community.

Many of the answers I am seeking deal with issues that began when I was on council and are still not resolved.

I still feel some obligation to resolving these situations.

There is no citizen, that comes to more council meetings and planning meetings than Mr. Steptoe.

According to Trustee Rush, Mr. Steptoe's presence relates to an "ax" he has to grind.

Is it possible that Mr. Steptoe has some unresolved issues of many years that the village has not been able to address?

Then we are talking about an issue not an ax.

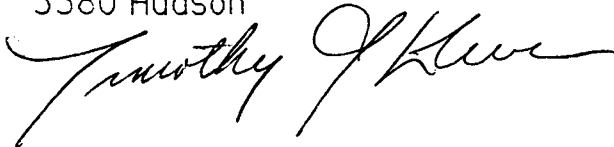
Trustee Rush, during his oration to rebut Ms. Lamkins, found it necessary to bring as many people into the picture as possible who supported Ms. Lamkin.

Was this the "Ax" he was grinding on just his "neighbors" into the ground.

For someone like Trustee Rush, who has written letters to the editor, campaigned for and openly encouraged citizen participation I find this an unusual way of recognizing the participation of citizens and a contradiction of his past public statements.


As a citizen who has been willing to participate I find this type of treatment unacceptable and I again request that it stop.

Timothy J. Klever
3580 Hudson



RECEIVED JAN 29 1993

BMG

To: Dexter Village Manager, President, Trustees (Copy to all)
From: Timothy J. Klever 
Date: Dec 29, 1992

Include as part of the public record at the next meeting

I would like to have the following questions answered in writing regarding the Cottonwood development.

This item could be added as new business at the next meeting.

a. Where do the promised side walk dollars stand?

I have provided you with some background information in the past and I am disappointed that answers have not been forthcoming from the manager or council.

The past zoning and planning person did give me some answers regarding the site.

b. When will the issues regarding the cleanup of the site, removal of the trailer, grading to site plans be taken care of?

Who is taking care of it?

The answer given by the developer on Jan 22 did not specifically address these issues. There is absolutely nothing to prevent the cleanup of the site and some of these other items at this point in time.

c. When is the completion date for this project?

Six years ago it was supposed to take a couple of years to complete.

I was informed several months ago that the council would be looking into the possible illegal zoning of the Blanchard P.U.D and the Eck property.

I have yet to hear any official reply from the manager or council.

What is your reply?

Has anyone even looked or is a possible liability situation not important.

I am also requesting under the "Freedom of Information Act" the dollars figures the village has paid out in attorneys fees over the past six months.

2.

I am also seeking under this same provision a breakdown of the cost for attorneys fees to the village over the past two months, related directly to Ms. Lamkin's employment situation and subsequent removal from that position of Dexter Zoning and Planning Inspector.

I am requesting a copy of the sign in sheet for the Visions of Dexter meeting as well as a copy of the list of people who were invited. Please include peoples positions or relationship to Dexter if applicable or known.

I am requesting a copy of the village office "security" sign in sheet for January 25,1993.

Thank you for your assistance.

MEMORANDUM

To Michael McCue, Village Manager

From Members of the Village Election Commission; P. Arbour, R. Fischer, D. Fisher *PA. RJ*

Date January 25, 1993

Subject Need to provide voter registration access for Village residents

Village Clerk Fisher has spoken with you and past and present Village Presidents Liddiard and Arbour regarding the need to have coverage in the office for the purpose of serving residents with access to registration.

The failure of the two Village administrative assistants to accept the position of deputy clerk for the Village, has left a void in daily coverage of the office as Ms. Fisher has full time employment responsibilities during regular office hours at the Village.

Ms. Fisher has made contact with the State Bureau of Elections seeking information and advice regarding this issue. Solution for this situation is to have both Ms. Karvel and Ms. Jackson serve as assistant registrars to the Village Clerk. This would be accomplished by spelling out the responsibility involved, exclusively that of registering Village residents, and attaching the description to the oath of office.

Currently approximately 98% of our residents are registering at Secretary of State offices during regular business hours, 1% are registering at Scio Township during regular business hours and the remaining 1% are registering at the Village Offices. Those registering at the Village Offices amount to approximately 8 to 10 residents per year. The added responsibility and work load for Ms Karvel and Ms. Jackson should be minimal and the expanded service to our residents would be beneficial.

The actual act of registering and individual requires the completion of a brief form that is stored in the drawers under the front counter.

Please advise the Commission as to your opinion regarding the viability of this solution and if your are in agreement with the proposal, how these assignments might best be made in your office.

Friday, February 5, 1993

From: Jerry Dworek
7105 Dexter-Ann Arbor Rd.
Dexter, MI 48130

To: Dexter Village Council

Dear Village President and Council Trustee's,

I am concerned about the fact that Council Trustee Jim Adams was involved in the beginning of the placement of an ice skating rink in Monument Park prior to the vote of approval by the Council. In my mind, I believe it creates the appearance of circumventing proper procedures, and sets a bad example, especially from an elected Official.

I understand that the Council adopted an "Ethical Code of Conduct" in September, 1992 as a guideline for use by Village Officials and Village Employee's. I have reviewed the document, and I think Mr. Adams may have violated Section 3 "Intention of Code". Specifically, the following: #II. Giving or accepting preferential treatment to or from any organization or person; #V. Making a village decision outside official channels; and #VII Giving or accepting preferential treatment in use of village property.

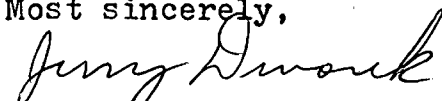
Consider this scenario - what if the nursery school in the same block as Cousin's Heritage Inn wanted to put an ice rink in Monument Park to allow the pre-schoolers a skating activity, and approached Trustee Cousins with a plan to put one in. And, what if Cousin's thought it would be a great outdoor activity for little ones to partake in and said it's a great idea, I'll help you put one in. Well, I think we all know someone would say, hey wait a minute...what about liability of the Village in the event somebody gets hurt? It would be a better idea to go through the proper procedures and make sure all the necessary steps and requirements are in place.

While I do think a skating rink in the park IS a good idea, and could become an annual thing, perhaps it would have been much better if all the plans and preliminary requirements had gone through the proper process, even beginning as far in advance as November. Therefore, available manpower could be recruited and employed well enough in advance so the success of the quality of a rink would not have to be dependant on the "unpredictable Michigan weather", or on the availability of any members of any organization, since it would be a "community" thing. Then, in cooperation with the Dexter Firefighters Association, any citizen with an interest in providing a skating rink in the park could help. There could even be an Ice Rink Fundraising Event so one organization would not have to bear all the costs.

At any rate, these are my thoughts, and as I previously stated, I believe Trustee Adams acted improperly, and set a bad example. I hope he will accept my criticism and encouragement to please don't let it happen again, by any Trustee.

Thank you.

Most sincerely,


Jerry Dworek

VILLAGE OF DEXTER

Philip J. Arbour, President
Michael J. McCue, Manager

8140 MAIN STREET
DEXTER, MICHIGAN 48130
(313) 426-8303
FAX (313) 426-5614

Donna L. Fisher, Clerk
Rita A. Fischer, Treasurer

February 1, 1993

Mr. Joseph Burke
Chief Assistant Prosecutor
300 Courthouse
101 E. Huron Street
P.O. Box 8645
Ann Arbor, MI 48107-8645

Dear Mr. Burke:

As we discussed the other day, I am writing you to request guidance from your office. At a recent pre-termination hearing for an employee, the employee made several allegations against many elected and appointed officials. Many allegations were made; however, some of them include:

- Conspiracy to terminate her employment
- Elected officials provided illegal entry to Village offices to residents
- Elected officials illegally dumped construction debris
- Her termination as a result of the Whistleblower's Act
- Threat of termination for not carrying out a direct order to do an allegedly illegal action
- Files were stolen by elected officials

The Village needs your guidance. The Village Council would like to investigate the allegations made by this employee. However, they do not know which allegations should be considered and who should investigate them. Several suggestions have been presented. They include:

- An outside attorney
- the Michigan Municipal League
- An arbitrator
- A private investigator
- the Prosecuting Attorney's Office

The Council believes that an outside person should investigate the matter so as to remove any questions of prejudice. Your suggestions and guidance on this issue would be greatly appreciated. If you have any questions, please feel free to contact me at 426-8303.

Sincerely,



Michael J. McCue
Village Manager

/mm

M E M O R A N D U M

TO: Village President and Village Council
FROM: Michael J. McCue, Village Manager
RE: Manager's Report
DATE: February 5, 1993

Hoey Easement

I have made several attempts to contact Mrs. Hoey regarding an easement for her property along Huron Street. However, she has not responded. I have written a letter in response to her letter in hopes that some contact could be made.

First of America ATM

The bank has asked that no one park in front of their new ATM. Apparently, this occurred last week and people were unable to use it during a meeting. Please ask others to not park there.

Prosecuting Attorney Letter

Enclosed in this week's packet is my letter to the Prosecuting Attorney's office. They indicated to me that they would need a letter asking for their assistance and to briefly outline some of the allegations. They would then respond to us with their decision.

Early Warning Siren

I received a letter from West Shore Services, the siren company which was not awarded the bid for the siren. They complained that the siren we purchased was not a good siren. I called the company to ask about their concerns. After a long conversation with the president, he informed me that he was unhappy that his company did not receive the bid, but that we indeed did by a good product.

Transition Document

As noted earlier, I am developing a transition document for the new manager. If you have any thoughts about it, please let me know.

DDA Hearing Mailings

The hearing notices for the DDA boundary change went into the mail today. As you recall, there are a number of steps required to notify the public of the DDA boundary changes.

V-Tech Sale

I spoke with Comerica Bank regarding V-Tech. They indicated to me that they will be selling the personal property on February 25, 1993. If needed they will sell the building and property at a later date.

Budget Hearing

Just a reminder, the next budget hearing is set for 6:30 p.m. Monday, February 8, 1993. This should wrap-up the budget for

approval at the February 22, 1993 Council meeting.

Dr. Crenis' students from U of M will have presentation Feb 17 7:30 PM at First America Bldg.

Parting Thought

I thought it would be appropriate to have my last parting thought to be the same as my first.

"To laugh often and much; to win the respect of intelligent people and affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded."

-Ralph Waldo Emerson

TO: PRESIDENT PHILIP ARBOUR, VILLAGE COUNCIL TRUSTEES

WE, THE UNDERSIGNED, SUPPORT FAIR AND OPEN GOVERNMENT.

WE SUGGEST WILLIAM "BILL" SARTIN BE APPOINTED TO THE
POSITION OF ACTING (OR INTERIM) MANAGER TO HELP GUIDE THE
VILLAGE OF DEXTER THROUGH THIS TRANSITION PERIOD.

Janice M Hartman 3125 Kensington Dexter
Bob Stacy 7915 Faval St Dexter
Catherine Ruere 3337 Central St Dexter
D. Tom 3510 DOVER st,
Art Van Hoosear 3276 Central St
Maxine Van Hoosear 3276 Central St
Thomas H. York 7415 Wall ct. Dexter Mich 48130
Betty Dawengort 7400 Wall ct Dexter Mich 48130
Mike McKelvin 7439 Wall ct Dexter Mich 48130
C. Pete Walker 7901 ANN ARBOR DEXTER MI 48130
Nancy Walker 7901 ANN ARBOR ST DEXTER MI 48130

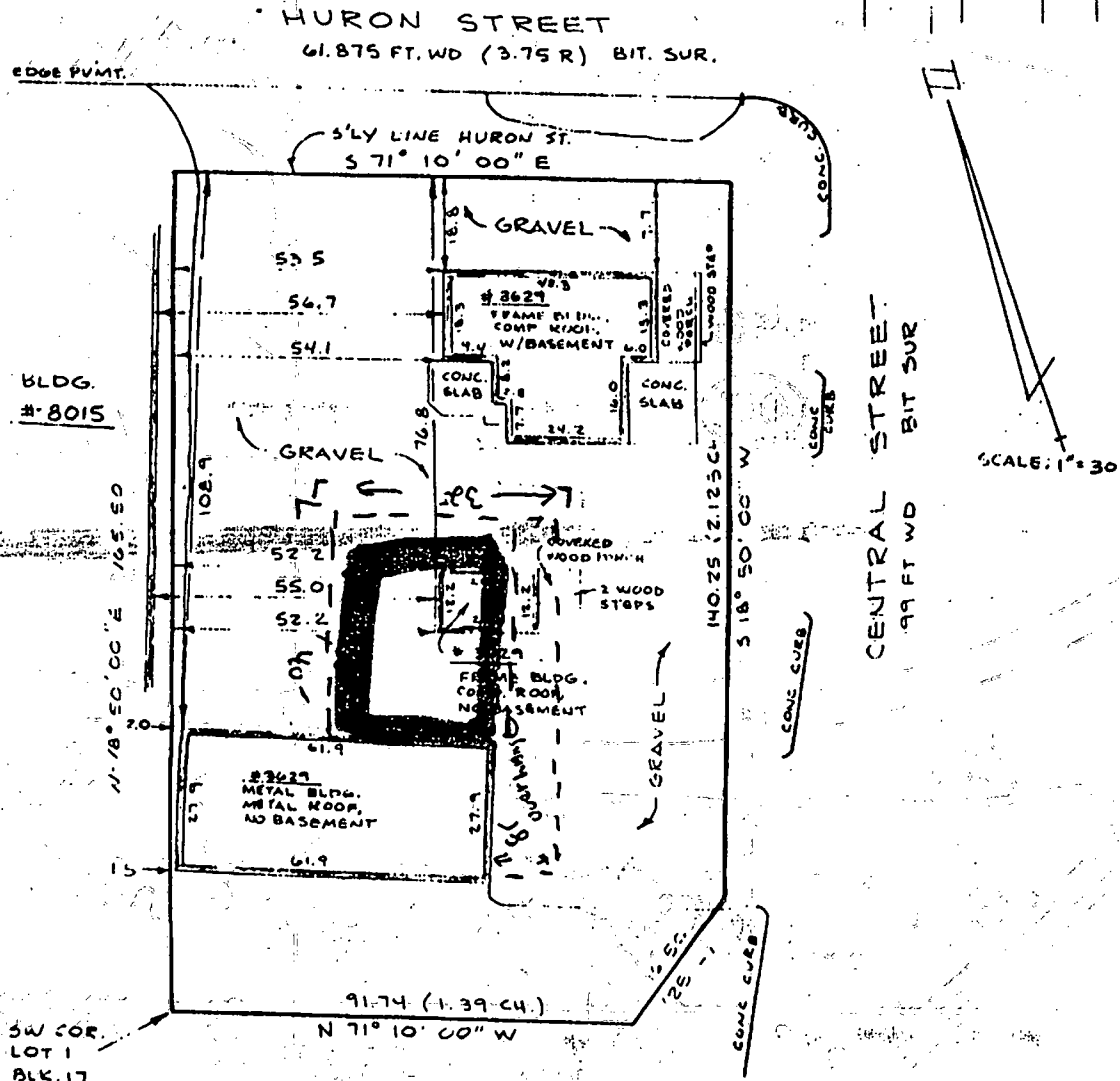
MORTGAGE LOCATION CERTIFICATE

LEGAL DESCRIPTION:

Dexter Rental Site Plan

*Approved
2-8-93*

Beginning at the Southwest corner of Lot 1, thence N 18° 50' E 165.50 Feet in the Westerly line of Lot 1, thence S 71° 10' E along the Southwestern line of Huron Street to the Easterly line of Lot 1, thence S 18° 15' W 2.125 chains in the Easterly line of Lot 1, thence Southerly 25 links to the Southerly line of Lot 1, thence S 71° 10' W 1.39 chains in the Southerly line of Lot 1 to the place of beginning, being that part of Lot 1 lying South of Huron Street, block 17, original plat, Village of Dexter, Washtenaw County, Michigan.



or the use and benefit of anyone relying hereon for the purpose of a mortgage loan, I hereby certify that I have located the above property and that the improvements on said property are located within property lines and, unless noted, bear no encroachments. Note: This Document is for mortgage purposes only and no corner stakes were set. Do not use for erection of fences or any type of construction.

FOR: Lee J. Perry
4310 Crestline
Ann Arbor, MI 48103

R. Timothy Williams
R. TIMOTHY WILLIAMS
Professional Land Surveyor No. 20712

LSC LAND SURVEYING CONSULTANTS

SURVEY ENGINEERING
P.O. BOX 66, 8805 CENTRAL ST.
DEXTER, MICHIGAN
(313) 761-6577

Job No: 03390-1S5E32

Sheet 1 of 1

DEXTER VILLAGE COUNCIL
SPECIAL MEETING
FEBRUARY 15, 1993

The meeting was called to order by President Arbour at 6:37 P.M.
at First of America Bank Building, 8123 Main Street.

Present: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour.

Absent: None

Also present: Village Manager McCue

Approval of Agenda

Moved Gordenier, support Pearson to approve the agenda as
presented.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Non-Arranged Citizen Participation

W. Sartin, 7551 Forest, addressed Council reading from a
prepared statement.

Old Business

1. Appointment of Acting Village Manager

Moved Rush, support Gordenier that President Arbour approach
Mr. Tom Desmet requesting he accept the position of interim
Village Manager until a permanent Village Manager is appointed.

Ayes: Adams, Cousins, Gordenier, Gregory, Rush, Arbour

Nays: Pearson

Motion Carried

Non-Arranged Citizen Participation

The following citizens addressed Council:

T. Klever, 3580 Hudson Street

P. Cousins, 7648 Forest Avenue

J. Gordenier, 7265 Dexter Ann Arbor

Adjournment

Moved Gordenier, support Gregory to adjourn the meeting at
7:20 P.M.

Ayes: Adams, Cousins, Gordenier, Gregory, Pearson, Rush,
Arbour

Nays: None

Motion Carried

Respectfully submitted,

Paul Cousins,
Trustee

Filing Approved 3-9-93 *AS*